



Town of York

186 York Street
York, Maine 03909-1314

Town Manager/
Selectmen
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Treasurer
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Code Enforcement
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Planning
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Assessor
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Police Department
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York Village Fire
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(207)363-1015

Public Works
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BOARD OF SELECTMEN'S MEETING AGENDA 7:00PM MONDAY, FEBRUARY 10, 2014 YORK LIBRARY

Call to Order

Opening Ceremonies

A. Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

E. Reports

1. Review of Paper Streets Procedure

F. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager's Office.

G. Approval of Warrant #32

H. Public Hearings

I. Endorsements

Business Licenses:

1. Kevin Tacy DBA: Foster's Downeast Clambake for Victualers, Liquor and Special Amusement; Located at 5 Axholme Road
2. Qing Wen Wang DBA: Greenleaves Chinese Restaurant for Victualers and Liquor; Located at 647 US Route One
3. The Golden Rod DBA: Lobster Cove for Victualers, Liquor and Special Amusement; Located at 756 York Street

J. **Old Business**

K. **New Business**

1. Request for Sewer Extension from York Sewer District
2. Discussion and Possible Action on Transfer Station Permit Application
3. Discussion and Possible Action on Acceptance of SHIP Grant
4. Discussion and Possible Action on Including the Purchase of the Hodgkin Parking Lot in the FY15 Capital Plan
5. Discussion and Possible Action on Engagement Letter with Bernstein Shur
6. Discussion and Possible Action Regarding the Process for a Town Manager Recruitment
7. Application for License Incorporated Civic Organization: Old York Historical Society
8. Special Event Permit: Seacoast Safari

L. **Other Business**

M. **Citizens' Forum**

Adjourn



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 6, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Paper Streets	

TO: BOARD OF SELECTMEN
FROM: Richard C. Mace, Tax Assessor Stephen H. Burns, Community Development Director
RECOMMENDATION: Request the Town Manager to have staff in Community Development, Assessing, and Public Works departments assess each of the paper streets indentified in the 1997 extension of deadline documents for their potential value to the community. Results of this work shall be reported to the Board quarterly beginning in June 2014, with all work to be completed before the end of June 2017.
PROPOSED MOTION: I move to direct the Town Manager to have staff assess each of the paper streets indentified in the 1997 extension of deadline documents for their potential value to the community. Results of this work shall be reported to the Board quarterly beginning in June 2014, with all work to be completed before the end of June 2017.

Discussion: Attached for the Board's information are 2 documents. The first is a recent article from Maine Townsman about Paper Streets. The second is the Town's 1997 filing for the 20 year extension. These 2 documents provide the basic information to define the challenge at hand.

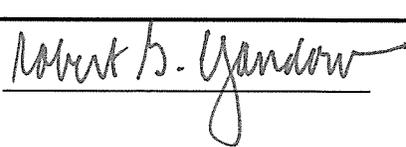
Paper streets are those proposed on paper plans but never constructed. In Maine, communities have the opportunity to retain an interested in these paper streets if they take certain actions. A deadline in September 2017 is fast approaching, by which time the Town of York will need to decide about retaining interests in paper streets in 54 subdivisions or any of 356 other plans. These subdivisions and plans were all listed in documents approved by the Board of Selectmen in September 1997.

If the Town takes no action then the public interest in any of those paper streets will disappear in September 2017. Why would the Town want to retain any interests in paper streets? The Town could construct roads on these right-of-ways, but perhaps of greater interest is the opportunity for bicycle/pedestrian paths, provide public access to the ocean or other water bodies from current public roads, allow for utility connections, contribute to open spaces, or other yet-to-be-envisioned purposes. Until each is reviewed it's impossible to say for sure. We would propose to reach out to the former public works directors, the water and sewer utility districts, and others with knowledge about paper streets to see what insight they would care to offer.

Because there are over 400 plans to be located and analyzed in order to make recommendations to the Board, it is suggested the best way to approach this is to try to complete review of about 40 plans per quarter. Starting in June 2014, we'd be complete by December 2016. That leaves about ½ to ¾ year of slack in 2017 if needed.

FISCAL IMPACT: n.a.
DEPARTMENT LINE ITEM ACCOUNT: n.a.
BALANCE IN LINE ITEM IF APPROVED: n.a.

Prepared By: 

Reviewed By: 

Prepared By: 

2017 Key Year for Maine's 'Paper Streets'

By Dale McGarrigle

Something imaginary soon will require the attention of municipal planners from around the state of Maine: paper streets. In simplest terms, a paper street is a proposed way that is shown on an approved subdivision plan but has not been constructed.

What is the value of paper streets?

"The obvious benefit to the laying out and establishment of paper streets is for a proper, thoughtful, smart subdivision of land for residential, commercial or governmental purposes that provides the necessary access to the subdivided property," said Lionel Cayer, Augusta's city engineer.

"The old days of allowing multiple curb cuts along an existing road to lots that have narrow frontage, just to avoid the capital cost of a new road, are hopefully behind us. A new road provides for better layout of lots and provides for safer access to the new lots as well as establishes a quieter and less hectic environment within the new subdivision."

From the date of recording of a subdivision plan in the registry, the public acquires a right of "incipient dedication," which means that the municipality has a right to accept the paper street, once built (usually to town standards) as a town way.

A developer submits a subdivision plan which, presumably, is approved. Then, when the paper street is constructed to the standards prescribed by the municipality, it becomes a town road. Sounds simple, on paper.

But paper streets have existed in some communities for more than a century, often without any sort of legal definition, as the subdivision statute

in Maine didn't take effect until 1971.

So the Maine Legislature laid out some boundaries in a statute passed in 1987. Paper streets were divided into two categories, those in subdivisions recorded prior to Sept. 29, 1987, and those in subdivisions recorded on or after Sept. 29, 1987.

YEAR BY YEAR

For the former category, those paper streets were deemed by law to be vacated by the public the later of 15 years after the date of recording, or on Sept. 29, 1997. The deemed vacation occurs if the streets are never constructed or, if constructed, they were never accepted as a town way or as a public utility or recreational easement. The municipal officers could extend the deemed vacation period by filing a notice of extension in the Registry of Deeds office. If an extension was claimed, it lasted for 20 years, and could be extended again for another 20 years (40 years total). A deemed vacation means that the right of incipient dedication is surrendered.

For the latter category, the Legislature granted towns the right of incipient dedication for 20 years from the date on which the subdivision was recorded, and can extend those rights for an additional 20 years. The 1987 law's time frames provided clarity that had been missing before.

"The primary advantage for the town and the neighbors is certainty as to the status of a paper street and knowing when it goes away without having to go to court to have that question determined," said Robert Osbourne, town planner for Hampden.

Many municipalities took advantage of a 20-year rights extension in 1997. That means those communities'

officials again will face the question of which paper streets are worth holding onto by September 2017, which is right around the corner in governmental terms.

So this is a question that some municipal officials say they should begin wrestling with now. Letting the town's rights run out might be the cheapest and simplest solution, but it may not be the most forward-thinking.

"In doing so, in many cases, the town and residents may miss the opportunity to pass the public benefits of potential access forward to future generations," explained Nat Tupper, Yarmouth's town manager.

"Especially in cases on old camp or cottage subdivisions that provide (or potentially provide) highly cherished access to the water that would be an unfortunate and irretrievable loss... There are real potential advantages that many of these paper streets offer, so just letting the clock run out may not be as cheap and painless as it appears."

In 1997, Yarmouth extended its rights to 108 roads or road segments. The Town Council began to take up each roadway segment (one development plan at a time) over the next year or so. In most cases, the council voted to accept a pedestrian and utility easement in the paper street, and then to vacate the remaining incipient public rights for a roadway. At least 42 paper streets or segments were vacated in whole or part by January 1999.

"By then, the Town Council was exhausted and decided to cease its efforts on the paper street project except on a case-by-case basis based by specific citizen requests," Tupper said.

Access became an issue in areas where incipient rights were to be va-

Dale McGarrigle is a freelance writer from Hampden and new contributor to the Maine Townsman, dalemcg820@tds.net

cated.

"Some paper streets have been improved to the degree necessary for a lot owner to have driveway access," Tupper continued. "Those driveway improvements, however, do not grant exclusivity to the lot owner as the general public can still enter over and across paper streets and the other lot owners in the development plan that laid out the paper street still have rights even after the town vacates the general public interest."

Citizen worry was another concern with which town officials have had to deal.

"Back in 1997, some residents living with paper streets surprised the town by requesting that the town not vacate the general public interest in fear that some lot owners in the development would seek to assert a private and exclusive claim," Tupper said.

One resident offered to the Town Council: "We'd rather hate you than each other." Tupper translated: "It might have been a compliment; sometimes it's hard to know."

Yarmouth has found an innovative way to handle what would be paper

streets in new developments.

"We have seen very few new subdivisions in Yarmouth in recent years but when they do get submitted, we try hard to have them interconnect to nearby subdivisions and roads," Tupper said. "Invariably, there is strong opposition from the older neighbors and frequently a compromise position is established to create a pedestrian and bike connection in a 50-foot-wide strip (essentially a new paper street with a trail) that could, in the future, become a full street. In those cases, we seek to have the full 50-foot strip dedicated and deeded to the town so it would operate outside the 'paper

street' status."

AUBURN'S POLICY

In Auburn in 1997, officials extended the city's rights to paper streets in some 80 subdivisions, some with multiple streets. Most were never developed into city ways.

"I don't think any of those subdivisions were less than 20 years old," said Gary Johnson, Auburn's assistant city engineer. "The reason most were never accepted were grade or wetlands issues, things that made it difficult to develop the streets."

"In a lot of cases, the streets were put where they wouldn't be accept-

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ed by today's standards," added Eric Cousens, Auburn's director of planning and permitting.

Auburn started a fruitful policy concerning paper streets decades ago. Back in the 1970s, its assessors began assessing taxes on undeveloped streets, resulting in tax-acquired property for the city.

Some of these undeveloped streets found uses. The Falcon Creek condominium development on Talon Drive was restructured to follow an existing paper street. Two businesses abutting the tax-acquired Sweatt Avenue now have a shared driveway, thanks to the city.

New paper streets are less of an issue in Auburn these days. After having numerous subdivisions in the 1980s and '90s, Cousens said the city has seen very few since 2004, with none approved in the last three years.

Hampden has a handful of old paper streets still on the books, Osbourne said. The Bangor "suburb" has taken steps to limit the number of newer paper streets, the planner said. Hampden requires that building permits only be issued for buildings on new lots where there is frontage on a



A dusty road winds through undeveloped land.

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town-accepted way.

"Some towns may allow construction on planning board-approved streets that may not be completed or even constructed but Hampden established the town-way requirement to limit construction of houses in developments where the streets were not completed. That was seen as a safety, erosion control and neighborhood issue," Osbourne said.

A financial incentive also leads to more paper streets being developed into acceptable town ways: "In this millennium, the Town of Hampden has required a liquid form of an improvement guarantee (rather than lots from the undeveloped subdivision) to insure that, if the developer fails to develop a street, the town has cash on hand to complete the task," Osbourne said.

HAMPDEN COMMERCE PARK

It's possible for a street to be both an approved town way and a paper street. The Hampden Business and Commerce Park is being built in phases, so its circular way has a town way which ends in a cul-de-sac followed by an undeveloped paper street.

Waterville held onto rights for about 40 paper streets or portions.

"We retained our rights in paper streets primarily to avoid land-locking property, but there were other reasons as well," said Ann Beverage, Waterville's city planner. "We were not certain how many water and sewerage lines the districts owned without easements. Another issue arose in one neighborhood concerning the ownership of paper streets. A gentleman claimed to have purchased the paper streets from the original developer, so there were legal disputes to settle.

"For the most part, our paper streets were laid out on steep slopes or through wetlands, so they are not buildable today," Beverage said. "A few have been vacated as people whose property abutted them acquired lots from other abutters, eliminating the access issue."

The City of Bangor held onto rights for paper streets in seven old subdivisions. Examples of a couple of paper streets being converted into town ways can be found in the vicinity of the Bangor Mall. Hogan Road Extension, which intersects with Stillwater Avenue and Kittridge Road, leads to the loca-

tion of a new Wal-Mart Supercenter, while a former paper street is now the snaking driveway to the Parkade shopping center.

To help eliminate future paper streets, Bangor requires an improvement guarantee – a letter of credit or bond to cover the costs of the roads and utility and sewer lines.

Augusta extended its right to 21 paper streets in 1997, while 104 were automatically vacated by the law. "The advantage that we saw was that it disposed of a number of paper streets that were of no value to future land development," said Cayer.

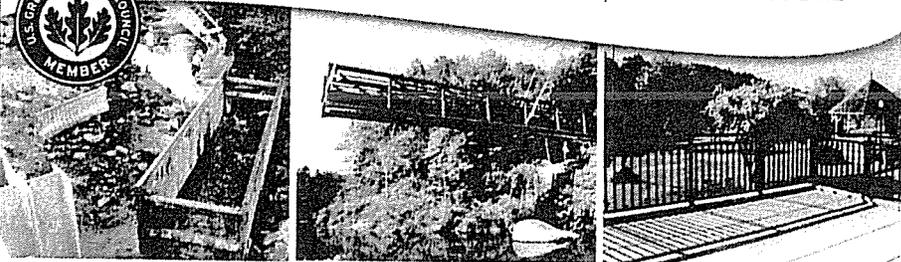
Augusta also has taken steps to make sure paper streets get developed.

"What Augusta requires now that it did not in the past is that a paper street shown on a subdivision plan must be fully designed and approved (not accepted) before a final subdivision plan may be approved by the Planning Board," Cayer said. "The other requirement of a planned (paper) street is for a bond to be posted for estimated construction cost of the street before a subdivision plan may be recorded at the Registry of Deeds."

Soon those old paper streets will be resurfacing, and municipal officials have some difficult decisions to make. "We'll have to take a much closer look in 2017 at which streets to hold onto rights for," said Auburn's Cousens. **[mc]**

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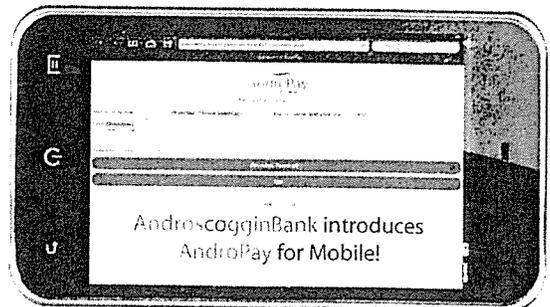


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NOTICE TO EXTEND DEADLINE OF AUTOMATIC VACATION
OF PROPOSED BUT UNACCEPTED WAYS

TOWN OF YORK

TAKE NOTICE, pursuant to 23 M.R.S.A. §3032(2), the Board of Selectmen of the Town of York, acting as the municipal officers of said municipal corporation, in a public meeting duly called, have voted with a quorum present and voting, to extend for a period of twenty (20) years from the date of recording at the York County Registry of Deeds of this written notice, the time for action by the Town of York under said Statute either to accept or allow a deemed vacation of: all of the proposed, but unaccepted ways located in subdivisions identified on Exhibit A attached hereto; all of the proposed, but unaccepted ways which may exist in subdivisions identified on Exhibit B attached hereto; and all of the proposed, but unaccepted ways which may exist on any other subdivision plan recorded at the York County Registry of Deeds on or before September 29, 1987.

By this action, the above referenced proposed but unaccepted ways are excepted from the operation of 23 M.R.S.A. §3032(1-A) provided, however, nothing herein shall limit the right or authority vested by Maine law in the Board of Selectmen of the Town of York to vacate proposed, but unaccepted ways during said time period as otherwise provided by law.

September 23, 1997

WITNESS:

Dorothy J. Belliveau for all

Mary Andrews

Mary Andrews, Chairman
Lawrence Jackson

Lawrence P. Jackson, Vice-Chairman
Michael Kleist

Michael Kleist
Carole J. McInerney

Carole J. McInerney
Michael V. Palumbo

Michael V. Palumbo

TOWN OF YORK BOARD OF SELECTMEN

12/16/97
Orig. to Town Clerk
Copy Assessor's Office w/orig. research done by Robert Magosci

STATE OF MAINE

York, ss

September 23, 1997

Then personally appeared Mary A. Andrews, Lawrence P. Jackson, Michael Kleist, Carole J. McIntire and Michael V. Palumbo, Members of the Town of York Board of Selectmen, and acknowledged the above instrument to be their free act and deed in her said capacity.

Before me,



Notary Public/ Attorney at Law

Richard C. Mace, Notary Public
State of Maine
My Commission Expires April 7, 2002

Exhibit A

<u>SUBDIVISION</u>	<u>BOOK</u>	<u>PAGE</u>
Jessie A. Webber, Long Sands Rd., YV (1937)	PB 12	24
Lindsay Acres, Katherine E. Marshall & Anna E. Vandiver (1952)	PB 18	66
York Country Club (Parcel 1) (1946)	PB 22	28
Constance S. Lowell & Winthrop H. Lee & Eleanor S. T. Lee, Seabury, YV (1953)	PB24	16
Ellis Park (1994)	PB 5	89
Seabury South Shore of YH (1910)	PB 7	21
Seabury Addition Plan (1911)	PB 7	25
Nubble Point Sea Shore Lots, Charles A. Donovan (1913)	PB 7	64
High Pasture, York, ME, Coast of Maine Co.	PB 6	49
Ellis Property, YB (1915)	PB 7	66
Pasture of H. B. Norwood (1883)	PB 3	5
High Pasture, York Cliffs, Coast of Maine Co. (1898)	PB 3	67
Henry E. Evans, YB (1896)	PB 3	59
Evanston (1885)	PB 4	1
George W. Lord, Marshall & Junkins, YB (1891)	PB 4	14
York Cliffs Improvement Co. (1893)	PB 4	30
Evans Park, YB (1897)	PB 4	25
C. H. Ramsdell, YB (Long Beach)	PB 3	56
Iduna Land Co. (1899)	PB 4	35
Ampesis and Smith (1956)	PB 26	10
Ogunquit Land & Hotel Co., John C. & Miriam . Fairbanks (1957)	PB 21	28
Anna Shaw Gifford, Trustee for benefit of Gertrude E. Shaw & Others, Seabury (1933) (Plan Recorded 1958)	PB 27	28
Ogunquit Land & Hotel Co. (1960)	PB 28	50 & 35
Evanston & Evans Park, (Hobson & Ellis) (1928) (1962)	PB 34	12
Harold E. Crawford & Arline E. Crawford ((1955)	PB 38	27
Robert L. Perkins, York Corner (1966)	PB 42	14
York Harbor Hills, The York County Trust Co.. (1938) (Plan approved 1966)	PB 42	42
Bradbury Park, York (1967) (Robert Everson)	PB 44	28
Raymond O. Weare, Jr., YB (1968)	PB 46	23
Maurice Weare, Trustee for Kathryn & Barbara Weare (1969)	PB 50	3
Paul D. Huckins (1969)	PB 50	15
Carroll B. Trafton (1969)	PB 50	15

<u>SUBDIVISION</u>	<u>BOOK</u>	<u>PAGE</u>
Thomas & Richard Bucknam & Paul Huckins, York Heights (1971)	PB 56	4
Joseph T. Gnerre, YH (1972)	PB 56	15
Jackson P. King, Pine Hill, Cape Neddick (1971)	PB 57	20
Lost Acres Subdivision, Phoebe A. Foster (1972)	PB 57	38
Beech Ridge Estates (1972)	PB 58	40
Beech Ridge Estates (1972)	PB 60	30
Lawrence A. Beliveau, Sr. & K. Anita B. Beliveau (1974)	PB 72	12
Edward F. & Amy L. Dow (1975), Organug Lane	PB 74	34
J. W. Summey, off Birch Hill Rd.	PB 90	22
Roger M. & Patricia A. Langille, off Fall Mill Rd. (1978)	PB 90	39
YORKSIDE, York Realty Co. (1979)	PB 103	10
Mrs. Florence Y. Laughton, Nubble Point, YB (1979)	PB 101	33
York Realty Co. (resubdivision of land 1980)	PB 104	17
Carroll C. Blaisdell, South Side Rd. & River Meadow Lane (1979)	PB 103	30
Adrienne C. Stella, York St., YH (1980)	PB 104	40
Ocean View Vil., Maine Post & Beam (1983)	PB 128	41
Charles B. Doleac, YB (1984)	PB 135	36
Muriel Bochert, off Shore Road (1986)	PB 150	42
Karen M. Moulton, Charles N. Waitt & Thomas E. Waitt (1986)	PB 152	46
Ross Thompson, Route 1, York (1987)	PB 156	33
Eastmen Field, Mrs. Georgia Bragdon (1912)	PB 7	41
Daniel Sewall, York Stated Commons & York Outer Commons (Rev. 1929)	PB 11	19

Exhibit B

Abbreviations: Volume of Record (V.O.R.)
 Date of Record (D.O.R.)
 Date of Plan (D.O.P.)
 Black Folio (B.F.)

Dates without abbreviations are Dates of Recording

<u>SUBDIVISION</u>	<u>BOOK</u>	<u>PAGE</u>	<u>D.O.R.</u>
Bakers Spring (see plan of York Outer Commons in 1924)	11	19	D.O.P.1748
Capeneck (land set off to Norton, Barrell & Simpson (owners John Norton & 2 Others)	V.O.R. 74	110	3/24/1806
York Commons (Div. of Lot #5 Fourth Range) owners Moses Buswell & 8 Others	V.O.R. 108	7	5/22/1821)
Ground Root Hill (Wood Lot Partition) (Owner - David Sewall &)	V.O.R. 111	266	5/26/1823
Lower York (Common Pasture) (Owner - Mrs. Moore)	3	3	9/1/1883
Eastern Hill (land purchased by Patrick Fitzgerald & 11 others)	V.O.R. 200	227	3/4/1848
Rockland Ave. (Land of George W. Lord, Section 3)	4	15	8/17/1891
Concordville (Land of George W. Lord, Section 1)	4	13	8/18/1891
Prospect Ave. (Land of Marshall & Junkins (Owner - S. W. Junkins	3	32	8/19/1892
Long Beach Station (Staples Long Beach Lots) (Owner J. E. Staples	4	17	11/20/1893
Long Beach Avenue (Henry E. Evans Lots)	22	68	9/22/1950
Eastern Ave. (Property of S. G. Donnell, YB)	3	42	8/30/1894
York Beach (Property of S. G. Donnell (No. 1 & No. 2)	3	43	9/6/1894
York Heights (Avon Ave. & 6 other avenues) (Owner Evans & Carter)	4	19	9/11/1895
Long Beach Station (lots of Moseley & Foster)	3	57	7/31/1896
Concordville (lots of J.E. Jones)	3	48	8/25/1898
York Cliffs (York Cliffs Improvement Co.)	22	86	9/17/1952
Long Beach (Iduna Springs Hotel Co.) (Owner Henry E. Evans)	4	32	8/15/1899
Aldis Rd. (C.E. Hubbard premises)	7	28	11/29/1911
Long Sands Rd. (Mrs. E. B. Davidson Lots)	9	31	8/24/1923
Dover Bluff Ave. (Nubble Point Sea Shore Lots)	7	64	D.O.P.1913
York Beach (Nubble Point Sea Shore Lots) (Owner Charles A. Donovan)	11	132	1/5/1937
Lindsay Rd. (Estate formerly of Joanna Raynes Wilson)	8	9	4/15/1916
Fernald Ave., Carleton Ave., Banks Ave., Field Ave. (Owner Charles F. Trafton)	V.O.R. 671	362	10/16/1919
Ave. A, Land of J. H. Weston)	8	74	2/15/1922
Juniper Park, York Beach (5 other streets) (Owner H.S. Kelsey)	8	64	7/25/1921
York Beach (Blaisdell & Young Lots)	8	67	8/12/1921
Ocean & Broadway (Hogarth Lots - Owner Mrs. William H. Hogarth	9	8	9/5/1922
York River, Seabury Rd., Pepperell Way (Plat of lands of Fred Moore)	9	14	1/6/1923
Kittery Line (Blaisdell Div.) (Owner Charles W. Goodale)	9	25	7/10/1923
Cliff Rd. & 3 Others (Braeburn) (Owner Conarroe & Broyier)	9	35	10/9/1923
Scituate Pond (1st & 2nd Div. of the Stated Commons)	11	19	4/8/1929

Exhibit B

Bakers Spring (York Outer Commons)	11	19	4/8/1929
Long Sands Rd. (Land of H. K. Fulton)	10	2	2/23/1925
Cape Neddick Harbor, Cliff Rd. & Others (York Cliffs - Owner York Dev. Co.)	10	1	11/22/1924
Cape Neddick (Land of York Dev. Co. Lot No. 3 - Owner Alton W. Eldredge)	16	10	11/29/1940
Post Rd., Chase Pond Rd. (Estate of Samuel P. Young)	12	99	2/14/1939
Pine Hill Rd. (Plan of Pitch Pine Owner Charles H. Woodbury)	10	65	9/19/1927
Seabury Pond (Part of Seabury Land Co.)	11	11	12/28/1928
Bay View, York Harbor (Owner Jessie A. Webber)	12	25	7/14/1937
York River, Rainsneck Rd., York Harbor Hills (Owner Seabury Land Co.)	11	21	8/28/1929
York Cliffs (Isabella Bacon Lots)	11	69	9/11/1931
Atlantic Ocean, Shore Rd. (Edwin K. Welch Lots)	12	53	7/13/1938
Lobster Cove Rd., Long Sands Rd. (W.S. Armstrong Lots)	22	83	8/9/1952
Dover Bluff Ave., Hillside Ave., Marycliff Ave., 6th Ave., 5th Ave. (Land of Charles A. Donovan)	11	132	1/5/1937
Chases Pond Rd. (Micum McIntire's Steep Gully Lot)	12	19	6/8/1937
Route 1 - 2 lots of Wallace A. Main (Owner Tapley & Flewelling)	18	6	9/16/1941
Second Ave. (rearrangement of Donovan Lots on Nubble Point (Owner Marion L. Hennessy)	16	37	11/28/1941
Scituate District, Property of George Hooper Heirs	17	27	10/10/1945
Woodbridge Rd., Plan of Land at Sentry Hill (Owner Adin D. & Barbara A. Monroe)	18	31	10/3/1946
Plan of Land at Sentry Hill (Owner Attilio D. Daddario)	18	31	10/3/1946
Plan of Land at Sentry Hill (Owner Marjory W. & M. Ernest Hall)	18	32	10/3/1946
Plan of Land at Sentry Hill ((Owner Marjory W. & M. Ernest Hall)	18	32	10/3/1946
Nubble Point (Charles A. Donovan Lots) (Owner C.K. Shelton & R. H. Berry)	18	41	12/30/1947
York Harbor (Plan of Norwood Farms) (Owner Gerald M. Lauck)	18	43	1/20/1948
Chases Pond Rd. (Lot formerly of Samuel P. Young near York Corner) Owner Charles G. Moulton, et al)	18	45	7/8/1948
Route 1A, property of Marion P. McIntire & Mary M. Davis	18	45	6/2/1948
Long Sands Rd., Town Farm Lots (Owner Town of York)	22	44	1/17/1950
Shore Rd. #1-A, Edwin K. Welch Lots	17	50	8/23/1949
Nubble Point, Cycad Ave., Sub-division of Trafton & Young property (Owner Carroll B. Trafton & Elmer R. Young)	24	7	5/22/1953
Acorn St., revised plan of S.G. Donnell Lots	18	54	6/27/1950
Barrell Lane, sub-division of land of Maryellen E. Wood	18	63	9/25/1951
County Rd., division line between Burnett & Camp (Owner Paul B. Camp)	18	67	7/8/1952
Long Sands Rd., land sold by William S. Armstrong (Owner Earle S. & Helene E. Davis)	25	48	12/9/1954
Starboard Lane, land sold by Marion J. Alger (Owner Horace S. & Evelyn W. Hinds)	18	73	1/14/1953
Off Shore Rd., J. T. Turcotte Lots	25	31	7/1/1954
Long Sands Rd., York Beach Bible Conference	20	36	1/22/1954
Lindsay Rd., revision of lots No. 8-9-10 Villa Sites	25	18	2/24/1954

Exhibit B

(Owner Charles Richard Steedman)			
Indian Trail, sub-division of York Country Club	25	25	5/18/1954
South Berwick Rd., land sold by Kenneth P. & Betty E. Moffitt (Owner Allan L. Armington et al)	24	22	4/15/1954
Ridge Rd., R. P. Hodgins Lots	25	36	8/9/1954
Old Post Rd., R. P. Hodgins Lots	25	37	8/9/1954
Shore Rd., Seymour Property (Owner Victor & Margaret Seymour)	25	33	7/9/1954
U.S. Route #1 (sub-division of Moulton Property (Owner Albert E. Moulton et al)	25	34	7/23/1954
York Harbor, plan of lots at Bay View (Owner Jessie E. Webber)	B.F.	15	D.O.P. 4/1928
York Beach, Nubble Point Sea Shore Lots (Owner Charles A. Donovan)	B.F.	19	D.O.P. 6/1913
Long Sands Rd., plan of land at Long Beach	B.F.	20	D.O.P. 9/30/1928
Norwood Farm, Norwood Rd., land sold by Elizabeth T. Keenan (Owner Edwin E. & Jeanne R. Kimball)	25	52	4/21/1955
Long Beach Rd., Ridge Rd., Webber Rd. (Town Farm Plot) (Owner Town of York)	20	55	6/21/1955
Ridge Rd., Plan showing property of E. Paul & Helen L. Smith	20	59	8/29/1955
Roaring Rock Rd., York Harbor, sub-division Lots #18-19 (Map of Norwood Farm Co.) (Owner Robert A. & Betty Rice	25	59	9/6/1955
Long Sands Rd., sub-division portion of Town Farm (Owner Town of York)	25	64	10/11/1955
Land sold by Ogunquit Land & Hotel Co. (Owners Roy V. & Bernadette L. Taylor)	25	66	10/25/1955
South Side Rd., plan of lots on property of Alan J. & Frances M. Snider	21	16	8/20/1956
Mosley Rd., Broadway, sub-division of land in York Beach (Owner Viola S. Ericson)	21	37	11/12/1957
Second Ave., Hillside Ave., Lots 64, 65, 1/2 of Lot 66, 68, 69 & 70. Also Garage Lots 5 & 5 Property of Clyde O. & Margaret I. Green & Sally G. Brown	27	26	11/25/1957
Scituate Pond, plan showing lots belonging to Howard Hooper	26	30	5/26/1958
Cape Neddick River, Shore Rd., Glen Ave., Atlantic Ocean, Joseph A. Weare property	26	39	1/22/1959
York Harbor, plan of lots of Western Point Trust	26	50	9/29/1959
York Harbor, land sub-division of Western Point Trust	27	66	10/15/1959
Riverside St., Lawrie Ave., plan showing property owned by Roy F. Chamberlain, James S. & Harriette S. Millea and others	29	12	3/25/1960
York Beach, sub-division of Edna S. Messenger	28	29	5/19/1960
Highland Ave., Cycad Ave., Nubble Rd., Spring St., Nubble Park Lots (Owner Trafton & Young)	31	26&27	6/26/1961
Pine Hill, plan showing partition of Nellie E. Keene Estate	33	15	12/20/1961
York Beach, Main St., sub-division of property of Elizabeth Smith	32	9	1/2/1962
York Beach, Shelton Ave., Hillside Ave., Third Ave., revision of a portion of plan of Nubble Point Sea Shore Lots (Owner Charles K. Shelton)	34	2	1/23/1962
York Harbor, Lot No. 4 Western Point Trust (Owner	32	16	3/1/1962

Exhibit B

Mary M. & Louis Martin)			
Portion of property of Thomas B. Davidson indicating proposed street and lots 72 & 73	32	29	8/6/1962
Hilltop Rd., land lots for Curtice M. Ricker	35	6	5/16/1963
State Highway #1-A Webber Rd., properties at York Beach (Owner John H. & Alice Abbott, Cyrus D. & Thelma W. Thompson)	32	44	7/30/1963
Property Plan and Layout of Rose E. Bombard	36	8	9/13/63
Ridge Rd., rev. sub-division of a portion of "Pitch Pine" (Owner Bruce R. Dick)	32	48	10/10/1963
Webber Rd., lotting plan of Charlotte S. Hoar Lane	37	9	10;
Lobster Cove Rd., sub-division prop. of Richard E. Thyng & Jean A. Thyng	37	13	1/16/1964
Nubble Rd., plan of ravine lot (Owner Young & Trafton)	38	6	3/20/1964
Valley Rd., Cycad Ave., Middle Rd., Spring St., Sheet 3	37	20	3/20/1964
Plan of Lots Nubble Park (Owner Young & Trafton)			
Cycad Ave., Highland Ave., Sheet 2A Plan of Lots Nubble Park (Owner Young & Trafton)	37	21	3/20/1964
Nubble Rd., Sheet No. 4 Nubble Park (Owner Young & Trafton)	32	34	3/20/1964
Eureka Ave., Brook Lane, York Harbor lots of Mildred L. Young (Georgeana Colony)	39	29	6/3/1964
Beach St., Beacon St., property of Estate of "Jessie B. McKenney", York Beach	39	31	6/10/1964
Intervale Rd., Park Cir., Meadow Rd., Shore Rd., Sasanoa Shores proposed development of land in York, Maine now or formerly of Carroll E. and Elida H. Adams	37	44	9/8/1964
York River, Southside Rd., plan of lots Leon Blaisdell	41	28	9/15/1965
Woodbridge Rd., plan of lots of John M. Goodwin	41	31	10/29/1965
Old Agamenticus Mountain Rd., property now or formerly of Frederick H. and Marion D. Gould	41	36	12/15/1965
Ocean View Dr., Sunset Dr., Mooring Dr., Beachwood Ave., Surf Ave., Bay View Ave., portion of property of Robert W. & Marie E. Palmer	42	7	4/25/1966
Shore Rd., U.S. Route 1A, The Uplands (Owner Gustave & Muriel Bochart)	42	12	7/20/1966
Roaring Rock, land at Roaring Rock (Owner York Village Realty & Development Co., Inc.)	44	16	9/29/1966
Ravine Ave., Kendal Rd., plan showing property of Mildred K. Thompson, York Beach	44	19	12/22/1966
Dover Bluff Rd., section No. 1 of 2 Sections Preliminary Plan of property of York Village Realty & Development Co., Inc.	45	30	6/13/1967
Dover Bluff Rd., section No. 2 of 2 Sections Preliminary Plan of property of York Village Realty & Development Co., Inc.	44	33	6/13/1967
York River, Clark's Lane, plan showing sub-division of property of the heirs of Louise J. Morgan, York Harbor	44	43	1/10/1968
Sheru Ave., Woodbridge Rd., plan of lots Woodbridge Park	44	45	1/15/1968
U.S. Route 1, plan of portion of property of Donald W. Abbott & Raymond E. Abbott. Being lots 1-B to 32-B inclusive. Also a portion of property of Raydon Realty Corp. Being lots 1-A to 66-A inclusive.	45	47	2/13/1968

Exhibit B

Roaring Rock, plan showing a revision of a portion of property of York Village Realty & Development Co., Inc., at Roaring Rock, York, York County, Maine	48	16	11/20/1968
York Beach, Broadway, plan of property of Raymond O. Weare, Jr.	48	23	1/7/1969
Georgia St., plan showing sub-division of property of Frederick B. Malsbenden & Georgie F. Malsbenden	48	25	1/13/1969
Shelton Ave., Third Ave., Fourth Ave., Fifth Ave., sub-division of property of John F. McKenna	48	37	5/16/1969
Donnell Lane, Ridge Rd., Beach St., sub-division of portion of Juniper park (Owner Meta L. Rust)	46	32	8/4/1969
York Beach, sub-division of Yorkholme (Owner Myron D. & Meta L. Rust - see Plan Book 189, Page 11)	47	45	9/29/1969
Beach St., Grant St., Sea View Lane, Jeremia Lane, Gross Ave., sub-div. of Yorkholme, York Beach. Plan showing additional area being Lot No. 63 to Lot No. 118 inclusive. Also rev. of Lot No. 62 (see Plan Book 189, Page 11) (Owner Meta L. Rust)	47	46	9/29/1969
York St., Route 1A, plat of sub-div. of the C. H. Peirce Estate (see Plan Book 146, Page 22)	51	5	12/4/1969
Seabury, Atlantic Ocean, sub-div. property of Straco Marine, Inc.	50	4	12/10/1969
Field Ave., sub-div. of property of Paul D. Huckins	51	12	12/30/1969
Chases Pond Rd., lots of Carroll B. Trafton	49	23	12/31/1969
Route 103, land of Carroll B. Trafton	49	24	12/31/1969
Long Sands Rd., sub-div. of land of David Desmond	49	25	12/31/1969
Long Sands Rd., sub-div. of land of David Desmond	49	32	3/30/1970
	also 49	25	
Cape Neddick, lots property of Robert E. Weare	51	19	5/13/1970
Woodbridge Rd., Section I & II sub-div. of land for Robert P. Hodgin	50	47	5/13/1970
Logging Rd., Peter Weare Rd., Ogunquit Acres, Inc., Cape Neddick, York, Maine (Owner Robert E. Weare	51	24	8/20/1970
Scituate Pond, plan showing lots belonging to Hester W. Hooper	49	46	9/9/1970
Seabury Section, sub-div. of York Realty Co., Inc.	52	45	11/4/1970
Ossippee Rd., Ossippee Loop Rd., showing land of Joseph T. Turcotte et al	53	4	12/14/1970
York Harbor - plan of Tall Oaks Dr. & Wavcrest Dr. (Owner Elizabeth T. Keenan)	53	9	2/24/1971
Intervale Rd., Sasanoa Shores - Plan "B" proposed development of land in York, ME. now or formerly of Carroll E. and Elida H. Adams	51	36	4/8/1971
Plan of lots of Section 1 Ground Nut Hill (Owner Ruth M. Briley)	53	18	5/3/1971
York River, River Wood Shores, Inc. (see Plan Book 150, Pages 14 & 15)	53	38	10/29/1971
Church St. Ext., Nicole Rd., Parlin Rd., Section No. 1 of 2 sections. Plan of property of York Village Realty & Dev. Co., Inc., York Beach	54	42	11/12/1971
Nicole Rd., Cycad Ave., Section No. 2 of 2 sections. Plan of property of York Village Realty & Dev. Co., Inc., York Beach	54	43	11/12/1971
Scott Ave., Sheet #2, Lot Nos. 29-34, York Harbor, ME (Owners Georgiana Colony & Mildred L. Young)	53	47	12/10/1971

Exhibit B

Eureka Ave., Sheet #3, Lot Nos.40-46, York Harbor, ME. (Owners Georgeana Colony & Mildred L. Young)	53	48	12/10/1971
Greenacre Dr., Orchard Farm Rd., Dock Rd., Flint Rock Dr., Hancock Dr., Old Ironside Dr., sub-div property of York Realty Co., Inc.	56	1	12/20/1971
Norwood Rd., York St., York Harbor, Wavecrest Dr., plan of Tall Oaks Dr. Wavecrest Dr. (Owner Elizabeth T. Keenan)	56	7	2/2/1972
Long Sands Rd., sub-div. of land of David Desmond	57	14	2/11/1972
Intervale Rd., Bonneybeg Rd., land of Alexander Seth Freedman	55	26	2/18/1972
Scituate Rd., survey for Raymond E. Chase	55	32	3/9/1972
Shore Rd., sub-div. of land of Abraham & Catherine M. Checkoway	55	34	4/3/1972
Old Mast Rd., plan of lots Old Mast Rd (Owner Paul L. & Grace E. Ronnquist)	55	35	4/7/1972
Scotland Bridge Rd., plan of lots Scotland Bridge Manor (Owner Paul L. & Grace E. Ronnquist)	57	18	4/7/1972
Chase Pond Rd., sub-div. plan of "The Charles Young Lot" (Owner Carroll B. Trafton)	56	22	6/2/1972
South Side Brook, plan of sub-div. "Kennard Lot" Seabury Section (Owner Carroll B. Trafton)	56	23	6/2/1972
Seabury Section, plan of property of Portia P. & Clifford Perkins	57	29	6/2/1972
Roaring Rock Rd., Tall Oaks Dr., Wavecrest Dr., plan of Lots 17-29 Kenwood Corp.	58	5	7/26/1972
Sheru Ave., Scott Ave., Eureka Ave., Glenn Lane, York Harbor, map of Lots #s 29-40 Georgeana Colony Mildred L. Young	60	1	8/9/1972
Ossippee St. Ext., Atlantic Ocean, 3 Ocean Front Lots at York, ME (Owner Joseph T. Turcotte)	58	11	9/1/1972
Tantallon Dr., Seabury Rd., sub-div. of land of Mahish & Sara Fraser of Tantallon Corp.	59	10	9/12/1972
Post Rd., Rogers Rd., Dewey Rd., Horn Rd. & Others, final plan Rogers Rd. Central Section (Owner R.R.Norton)	59	15	9/29/1972
Mountain Rd., Old County Rd., plan showing a sub-div. of "Great Pasture Lot" (Owner Carroll B. Trafton)	59	16	9/29/1972
Harry St., Clyde St., Buck St., Beacon St., Hemlock St., final plan Beacon St. Extended Section (Owner R. R. & P.M. Norton)	56	39	10/13/1972
Nubble Rd. Atlantic Ocean, plan of lots Long Sands Overlook (Owner Lewis Pelczar & Elwood F. Jones)	59	20	10/27/1972
Dover Bluff Ave., 6th Ave., The Nubble, plan of property of Raymond O. Weare & Arnold F. Weare	56	48	12/1/1972
Off Scituate Rd., sub-div. Sunrise Terrace (Owner Dennis Brown)	61	40	2/12/1973
Final Plan Woodside Meadow, Inc.	63	12	3/2/1973
Parsons Rd., plan of property of Carroll B. Trafton	58	37	3/2/1973
Church St. Ext., Airport Dr., York Beach - sub-div. of land formerly of A. H. Bowden	60	31	3/9/1973
Airport Dr. - sub-div. of land formerly of A. H. Bowden	60	32	3/9/1973
Chases Pond Rd., lots of Harry W. & Marguerite L. Shejen	58	43	4/5/1973
Chases Pond Rd., plan of property of Robert L. & Ursula Perkins	60	48	5/3/1973
Plan of Lots York, ME for E. A. Peterson & C. F.Lundin	63	36	5/9/1973

Exhibit B

Wave Crest Dr., Roaring Rock Rd., York Harbor, plan of lots York Harbor, ME for Gertrude M. Bardier	65	1	7/18/1973
Chases Pond Rd., sub-div. of property of Neil & Beverly A. Ramsdell	58	54	8/1/1973
Route 103, sub-div. of property of Wayne C. & Garry A. Trafton	64	23	8/2/1973
Chases Pond Rd., sub-div. of property of Conrad Z. Small, Prebble Lot	65	5	8/2/1973
Highrock Rd., sub-div of land of Ed McMahon	58	54	8/3/1973
Greenleaf Parsons Rd., plan of property of Carroll B. Trafton & Elizabeth H. Trafton	58	55	8/3/1973
Highrock Rd., sub-div of land of Ed McMahon	58	55	8/3/1973
New Boston Rd., plan of property of Garry Trafton & Wayne Trafton	58	57	8/24/1973
York Harbor, Roaring Rock Point, plan showing a revision of a portion of property of York Village Realty & Development Co., Inc.	58	60	9/28/1973
Clay Hill Rd., plan of sub-div. of property of Walter Currier	66	3	9/18/1973
Old E. Scituate Rd., Chases Pond Rd., plan of sub-div. of property of Conrad L. Small	65	31	10/3/1973
River Rd., Cape Neddick, sub-div. plan of property of Robert E. & Lorraine L. Freeman	65	36	10/23/1973
Route 1A, plan of sub-div. of property of Freeman Development Corp.	64	47	11/1/1973
Clay Hill Rd., plan of sub-div. of property of Walter Currier	66	23	2/11/1974
Pine Hill Rd., plan of sub-div. of property of William H. Weare, Sr.	67	15	2/11/1974
Ground Nut Hill Rd., Clay Hill Rd., plan of sub-div. of property of Ruth Briley	67	21	3/13/1974
Rev. of Plan (Note 2) for Lots #24 to 31 inclusive of sub-div. of land of Carroll B. Trafton	67	22	3/13/1974
Acorn St., Beacon Ave., York Beach, plan of Roy L. & Caroline E. Nolen	66	28	4/10/1974
Clay Hill Rd., Ground Nut Hill Rd., plan of sub-div. of property of Ruth Briley, Clay Hill Rd., York, ME	67	33	4/30/1974
Ogunquit Rd., plan of sub-div. No. 1 for E. Shirley Hutchins, Ogunquit Rd. (north side) York, ME	67	36	5/24/1974
North Village Rd., Ogunquit Rd., plan of sub-div. No. 2 for E. Shirley Hutchins, Ogunquit Rd. (south side) York, ME	67	37	5/24/1974
York River, rev. to survey Linen Field Plan Book 53 Pg 38 River Wood Shores, Inc., York, ME (Owner River Wood Shores, Inc.)	66	35	5/29/1974
York River, Riverwood Dr., rev. plan of Lot No's. 13, 14 & 15 Riverwood Dr.,	68	48	6/13/1974
Clay Hill Rd., plan of sub-div. of property of Walter Currier North West Side of Clay Hill Rd.	66	37	6/25/1974
Shore Rd., plan of sub-div. of property of Leon Perkins, Shore Rd., York	66	38	6/25/1974
York St., plan of property of Thomas Y. & Vera M. Sowerby	66	37	6/25/1974
York Beach, plan of Parcels I & II, U.S. Route 1A, York Beach, ME for Ford Realty Corp.	67	43	7/8/1974

Exhibit B

Scituate Pond, plan showing a portion of land of Hester W. Hooper	69	21	7/10/1974
U.S. Route 1, Greenacre Dr., Orchard Farm Rd., Flint Rock Dr., Orchard Farm sub-div. Phase II (Owner York Realty Co., Inc.)	71	4	8/20/1974
York Beach, Carlton St., plan of Parcels "A" & "B: Carlton St., York Beach, ME for Eva Marchant	66	45	9/4/1974
Juniper Lane, plan of land of Lorayne V. Dodge	66	45	9/4/1974
Scotland Bridge Rd., sub-div. of land of Edmund E. Fahey	69	46	9/6/1974
New Mountain Rd., plan of land of Frederick H. Gould, Jr. & Marion D. Gould	71	28	10/25/1974
York Harbor, Norwood Farms Rd., plan of lots York Harbor, ME for William D. & Elizabeth B. O'Connor	74	18	3/26/1975
Pine Hill Rd., plan of Parcels 1 & 11 off Pine Hill Rd. for Virginia L. Yorke	75	10	4/22/1975
Fall Mill Rd., plan of Parcel A & B Fall Mill Rd. (Owner Louis A. & Phyllis A. Ladrie)	75	11	4/30/1975
Old County Rd., Great Pasture sub-div. plan property of Carroll B. Trafton	75	15	5/16/1975
Scituate Rd., Chases Pond "John Sedgley Homestead" (Owner Roger E. Lucas)	74	40	6/6/1975
Eureka Ave., Scott Ave., Glenn Lane, Mildred L. Young, Georgeanna Colony Lot Nos. 47-60, York Harbor, ME	77	6	8/7/1975
Pine Hill Rd., sub-div. of land of Alphonse & Louise Bocchino	76	8	8/25/1975
Fall Mill Rd., Fall Mill Rd. Ext., sub-div. plan property of Dennis R. Brown	76	26	10/29/1975
U.S. Route 1, Oak Ridge a sub-div. of land of Richard Payeur	77	49	11/25/1975
Donica Rd., sub-div. of land of Raydon Realty Corp.	76	41	1/16/1976
Woodside Meadow Phase Two (Owner Woodside Meadow, Inc.)	78	33	2/20/1976
Woodside Meadow - Final Plan Revised Lots 1A 2A 14A & 15A (Owner Woodside Meadow, Inc.)	80	23	5/10/1976
Creation Lane, plan of lots "Goodwin Acres" U.S. Route 1	81	28	6/22/1976
Chases Pond Rd., plan of sub-div. "Hemlock Hollow" (Owner Robert L. & Ursula Perkins)	83	17	9/17/1976
Seabury Rd., Harbor View Lane, re-sub-div. plan of "Harbor View" (Surveyor Plato C. Houliars)	83	24	10/1/1976
Shore Rd., plan of sub-div. property of Leon C. Perkins	79	29	10/8/1976
Ridge Rd., Gunnison Rd., Dean Rd., Rogers Rd., Clyde St., Plot Plan title "Glen Acres" (proposed 21 lot sub-div.) (Owner Lillier E. Horn)	84	6	12/2/1976
Long Sands Rd., plan showing land of Thomas M. Mullen	82	47	2/3/1977
Chases Pond Rd., Mountain Rd., final sub-div. flat for J.M.G. Corp.	84	31	2/14/1977
Route 1A, Church St. Ext., sub-div. plan for Charles and Bettye L. Shahbas	84	46	4/6/1977
Ocean Ave., Hawk St., Frank St., Marietta Ave., Broadway (Purchello Rd.), plan of land of Ocean House, Inc., York Beach.	86	18	7/29/1977
U.S. Route 1, plan of land showing div. line for Parcels A & B off U.S. Route 1 (Surveyor Plato C. Houliars)	87	48	7/29/1977
Old Post Rd., Fieldstone Estates (Sheet 1 of 6 Sheets (Plot Plan), (Owner Dennis Brown)	89	15	8/29/1977

Exhibit B

Old Post Rd., Fieldstone Estates (Sheet 3 of 6 Sheets) (Final Plan)	89	17	8/29/1977
Off Birch Hill Rd., property of Eugenie Powell & Ann Gordon	88	28	10/3/1977
York Heights, York. - Rev. plan of property of Earl Ramsdell, Pauline Ramsdell, Richard Bucknam formerly of T. Bucknam, R. Bucknam & Paul Huckins	86	47	11/28/1977
Nubble Rd., Atlantic Ocean, plan of land of Grace I. & Margaret J. Wallace & Robert W. & Margaret Lantz	91	6	2/15/1978
Route 91, final sub-div. plan of "The Highlands" (Owner J.M.G. Corp.)	90	50	4/21/1978
Ogunquit Rd., revised final plan Sub-div. #1 (Owner E. Shirley Hutchins)	92	32	2, 1978
Groundnut Hill Rd., Groundnut Hill Acres (Owner Groundnut Hill Acres, Inc.)	91	13	4/25/1978
Payne Rd., final sub-div. plan Deacon Drive Estates (Owner Francis W. & Mary E. Raynes)	93	22	5/30/1978
South Side Rd., Harvest Lane, sub-div. of land of Albion W. & Marilyn A. Goodrich	93	46	7/14/1978
Shore Rd., rev. plan of sub-div. property of Leon C. Perkins	91	24	7/21/1978
South Berwick Rd., final sub-div. plan Hadley Hills (Owner John Simonds)	93	50	7/25/1978
Raydon Rd., rev. of sub-div. of land - Raydon Realty Corp.	94	33	10/30/1978
Off Birch Hill Rd., plan of remaining property of Eugenie Wallas	94	32	10/30/1978
Darcy Rd., Eldridge Rd., Boban St., Section III Robert P. Hodgin Sub-div. (Owner Robert P. Hodgin)	96	13	12/4/1978
Off Birch Hill Rd., sub-div. plan property of J. W. Summey	96	23	12/8/1978
Shore Rd., sub-div. plan of land of John F. Jr. & Jeanna M. Hodgdon, Cape Neddick	97	1	12/19/1978
Shore Rd., plan of land for Eunice. L. Bracy & Elsie L. Winkler	97	6	1/17/1979

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Exhibit B

<u>SUBDIVISION</u>	<u>BOOK</u>	<u>PAGE</u>	<u>D.O.R.</u>
Plan of land for Theodore L. & Eunice L. Bracy	97	10	2/9/1979
Payne Road (Final plan subdiv. of property of Francis W. & Mary Ellen Raynes Deacon Drive Estates II)	97	18	3/2/1979
Route 1, Raydon Rd., Donica Rd. (Subdiv. - Land of Clayton E. Abbott)	97	36	4/17/1979
Road C (Revised Subdiv. Plan Portion of Fieldstone Estates) (Owner Dennis Brown)	99	23	6/14/1979
Southside Rd. (Homesite Subdiv. of Carroll C. & Jean Y. Blaisdell)	100	33	6/22/1979
Old Post Rd. (Stoneyridge Old Post Road) (Owner Theodore E. Johnson Jr.)	101	3	7/16/1979
New Boston Rd. (Plan of Land on New Boston Rd.) (Owner Idealab, Inc.)	100	46	7/16/1979
Newtown Rd. (Plan of Property of Elmer D. & Marietta Lindquist)	102	5	8/10/1979
Godfrey's Cove Rd. (Final Subdiv. of Property of Ralph M. Hayward)	102	10	8/24/1979
Godfrey Cove Rd. (Godfrey Cove Master Plan) (Owner Northland Properties, Inc.)	102	19	9/13/1979
Agamenticus & St. Aspinquid Ave. (Plan of Lot No.'s 26, 27, 30 and a Portion of 29 Agamenticus & St. Aspinquid Ave.) (Owner Eugene F. & Inger K. Blaney)	101	29	9/28/1979
Algonac Ave. (Plan of Land of William H. & Mildred A. Meredith)	102	33	10/5/1979
U.S. Route 1 (Plan of Land for Ralph Woods)	103	23	12/28/1979
Greenleaf Parsons Rd. (Plan of Lots Greenleaf Rd. for Norrice Webber)	104	2	1/23/1980
Scotland Bridge Rd. (Re-Subdiv. of Lots Scotland Bridge Rd. Louise P. Fahey)	104	3	1/23/1980
Old Post Rd. (Subdiv. Plan of Blue Stone Acres) (Owner Earl & Pauline Ramsdell & Richard Bucknam)	103	37	2/21/1980
Off Shore Rd. (Ld. Off Shore Road) (Owner Robert Omstein)	105	4	4/1/1980
Shore Rd. (Plan of Lots at Ledge Pasture) (Owner Clyde B. & Doris S. Gordon)	105	5	4/2/1980
Off Webber Rd. (Plan of Parcels off Webber Rd.) (Owner Roy N. & June E. Johnson)	104	23	4/24/1980
Birch Hill Rd. David Dr. (Jobar Acres) (Owner J. W. Summey)	104	48	7/22/1980
Fall Mill Rd. (Fall Mill Acres Subdiv.) (Owner Ralph Hayward)	109	43	8/28/1980
Ridge Rd. (Prop. Surveyed for David K. & Bertha H. Rocray)	108	24	11/7/1980
Beech Ridge Rd. & Macintire Rd. (Pl. of Ld. for Donald Desjardins)	112	2	11/12/1980
Route 1 A (River Estates Route 1 A) (Owner Robert L. Omsteen)	113	24	6/9/1981
Scituate Rd. (Plan of Lots Scituate Rd. York, Me.) (Owner Earl L. & Pauline R. Ramsdell)	113	28	6/16/1981
Shore Rd. (Meadowmere) (Owner Ruth H. Guterman)	113	33	6/22/1981

Exhibit B

Rogers Rd. (Plan of Lots Rogers Rd, York Me.) (Owner Richard T. & Helen V. Carico)	114	27	8/25/1981
Route 91 at Scotland Hill (Final Plan of Lots Route 91 York Me., at Scotland Hill) (Surveyor William H. Anderson Jr. Anderson Assoc.)	113	47	8/25/1981
Route 91 (Final Plan of Lots at "Appleton" (Owner Raymond B. Holmes & John W. Reeder)	115	28	10/21/1981
Off Long Sands Rd. (Revised Lots - York Harbor) (Owner Robert W. Palmer)	114	44	11/18/1981
US Route 1 (Resubdiv. Plan of Land of Clayton E. Abbott)	116	10	12/21/1981
Logging Rd. (Final Subdivision Plan of "StoneyBrook") (Owner Reid A Blute)	117	8	1/12/1982
Route 1 (Merriam Subdiv.) (Owner Freemont Merriam)	117	43	5/11/1982
Fall Mill Rd. (Revised Subdiv. Plan of Fall Mill Acres) (Owner Ralph Hayward)	118	17	7/13/1982
Organug Lane & (Plan of lands Organug Woods) (Surveyor Thomas F. Moran)	118	29	9/7/1982
Organug Lane & (Plan of Limited Common Areas Organug Woods) (Surveyor Thomas F. Moran)	118	30	9/7/1982
Route 1 A (Subdiv. Plan River Woods) (Owner Robert & Donna Woods)	118	40	9/21/1982
Shore Rd. (Revised Plan of Lots at Ledge Pasture (Surveyor William H. Anderson Jr.)	118	43	9/22/1982
New Boston Rd. (Hillcrest Acres) (Owner Idealab Inc.)	118	44	9/22/1982
Scituate Rd. (Subdiv. of Land Phase II Scituate Woods) (Owner David & Robert Chase)	121	21	11/10/1982
Chase Pond Rd. (Subdiv. Chase Property Phase I Scituate Woods) (Owner Chase)	121	22	11/10/1982
Route 1 A (Final Plan of Riversedge) (Owner Robert Omsteen)	122	14	2/2/1983
Chase Pond Rd. (Boundary Line Re-Location of the Chase Subdiv.) (Owner Chase Subdivision)	124	14	6/7/1983
River Rd. (Lots at Lesswings Cove) (Owner Rosemarie Lesswing)	124	30	7/7/1983
Scituate Rd. & Chases Pond Rd. (Homestead Subdiv. for Robert Chase)	125	34	10/21/1983
Rt. 1A Riverview Dr. (Riverview Estates Route 1A) (Surveyor William H. Anderson Jr.)	125	35	10/24/1983
Scituate Rd. (Subdiv. of Land Phase II Scituate Woods) (Owner David & Robert Chase)	128	18	3/9/1984
Dock Rd. & Flint Rock Dr. (Plan of Lots Schooner Landing Dock Rd.) (Owner Thomas & Jane Babbitt)	128	26	3/27/1984
River Farm Rd. (Plan of Lands York River Farms) (Surveyor Thomas F. Moran)	128	40	5/7/1984
Organug Rd. (Final Plan of "Winterbrook") (Owner Peter Camplin)	128	44	5/11/1984
Peradventure Way & Eastern Point Rd. (Plan of Lots at Peradventure Eastern Point Rd.) (Owner Catherine J. Ballich)	130	26	7/18/1984
Tide Meadow Ln. (Plan of "Tide Meadows") (Owner Seacoast Properties LTD.)	131	02	9/5/1984
Thompson St. & Freeman St. (Plan of "Ocean Bluff" Freeman St.) (Owner Maine Post & Beam Dev. Inc.)	132	25	10/29/1984

Exhibit B

Godfrey Cove Rd, Raynes Neck Rd, & Pepperell Way (Subdiv. Plan of "Wineland" Raynes Neck Rd) (Owner Sumner Winebaum)	134	21	1/11/1985
U.S. Route 1 (Plan of Lots U.S. Route 1 York, ME for Andre D. Compagna)	134	31	1/24/1985
Bay Haven Rd. & Freeman St. (Plan of Lots Off Freeman St) (Owner Monks Associates, Inc)	134	38	2/12/1985
Old Route 103 (Plan of Land Old Route 103) (Owner George M. & Lillian N. Newick)	136	19	3/11/1985
Route 91 ((Revised Subdiv. Plan of "Appleton" Route 91) (Owner Raymond B. Holmes & John W. Reeder)	136	39	4/16/1985
Josiah Norton Rd. (Subdiv. of Land of Wescott M. Merrow)	136	41	4/19/1985
Pepperell Way (Subdiv. of Land Pepperell Way) (Owner Michal Ulm & David Winton)	136	44	4/24/1985
Long Sands Rd. (Plan of Land for Wedgewood Development)	137	5	5/14/1985
Long Sands Rd. (Revised Plan of Land for Wedgewood Development)	137	8	5/16/1985
Raydon Rd. (Standard boundary Survey Plan of Portion of Land of Raydon Realty)	137	12	5/21/1985
The Valley Rd., Pitch Pine Rd., & Pine Hill South (Boundary Plan of Land Edward M. Katz)	137	16	5/29/1985
Route One (Subdivision Plan of "Bragdon Commons") (Owner The York Group)	137	15	5/24/1985
Scituate Road (Plan of Land of David J. & Sharon L. Allen)	137	13	5/22/1985
Salt Water Drive (Subdiv. Plan Riverwood) (Surveyor Lionel D. Kelley)	137	34-42	7/3/1985
Ridge Rd. (Plan of Lots for Peter T. Lampesis)	138	38	8/15/1985
Pine Hill Rd. (Plan of Quarry Estates) (Owner Peter & Maureen Clayton)	142	20	10/25/1985
Abbey Rd. (Plan of Subdiv. Property of Freeman Development Corp.)	142	35	12/17/1985

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Plan Index No. 5 1986-1990

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3-

RECEIVED YORK S.S.

1997 SEP 25 P 4: 12

ATTEST: *Lois M. Muse*
REGISTER OF DEEDS

*Tom Marcoux
Town of York*



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 6, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Business License Applications (3)	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery; Assistant to the Town Manager
RECOMMENDATION: Approve all Business License Applications (3)
PROPOSED MOTION: I move to approve the following licenses: <ol style="list-style-type: none">Kevin Tacy DBA: Foster's Downeast Clambake for Victualers, Liquor and Special Amusement; Located at 5 Axholme RoadQing Wen Wang DBA: Greenleaves Chinese Restaurant for Victualers and Liquor; Located at 647 US Route OneThe Golden Rod DBA: Lobster Cove for Victualers, Liquor and Special Amusement; Located at 756 York Street ... subject to taxes, fees and inspections being current and compliant with the usual noise stipulations

Discussion: All appropriate departments have been notified and given approval; see attached emails.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: Melinda M. Treay

Reviewed By: Robert B. Yandow



Town of York

186 York Street
York, Maine 03909-1314

Town Manager/
Selectmen
(207)363-1000

Town Clerk/
Tax Collector
(207)363-1003

Finance/
Treasurer
(207)363-1004

Code Enforcement
(207)363-1002

Planning
(207)363-1007

Assessor
(207)363-1005

Police Department
(207)363-1031

Dispatch
(207)363-2557

York Beach Fire
Department
(207)363-1014

York Village Fire
Department
(207)363-1015

Public Works
(207)363-1011

Harbor Master
(207)363-1000

Senior Center/
General Assistance
(207)363-1036

Parks and
Recreation
(207)363-1040

Fax
(207)363-1009
(207)363-1019

www.yorkmaine.org

TO: Board of Selectmen

FROM: Kathryn Newell *KNewell*
Code Enforcement Officer

DATE: February 6, 2014

RE: LICENSE INSPECTIONS AND RECOMMENDATIONS

Based on my review, I recommend the following position on the Licenses to be heard on February 10, 2014.

ENDORSEMENTS

Kevin Tacy
DBA: Fosters Downeast Clambake
Victualers/Liquor/Special Amusement

MAP 0050/LOT 0081

Kevin Tacy
P.O. Box 486
York Harbor, ME 03911

**FACILITY
ZONE
USE
RECOMMENDATION**

Restaurant/400 Seats
BUS-1
Conforming, Existing
Approval

Qing Wen Wang
DBA: Greenleaves Chinese Restaurant
Victualers/Liquor

MAP 0091/LOT 0008-W

Qing Wen Wang
3 Sparrow Lane
York, ME 03909

**FACILITY
ZONE
USE
RECOMMENDATION**

Restaurant/50 Seats
Rt. 1-3
Conforming, Existing
Approval

The Goldenrod
DBA: Lobster Cove
Victualers/Liquor/Special Amusement

MAP 0040/LOT 0062

The Goldenrod
P.O. Box 1140
York Beach, ME 03910

FACILITY	Restaurant/120 Seats
ZONE	BUS-2
USE	Conforming, Existing
RECOMMENDATION	Approval

TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name Lobster Cove
 Business Location 756 York Street
York Harbor ME 03911
 Telephone Number 207 351 1100

OWNER'S Name and Mailing Address The Goldenrod
PO Box 1140
York Beach ME 03910

APPLICANT'S Name and Mailing Address The Goldenrod
PO Box 1140
York Beach ME 03910

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing	27 JAN 14	K. [Signature]
Fire	1/28/14	Appgar
Tax Collector	1/22/14	Sceniawski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>40/62</u> License Year: <u>2014</u> No. Of Seats: <u>120</u> No. Of Parking Spaces: <u>35</u> New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms <u>N/A</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>N/A</u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input checked="" type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
--	--

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

Date 1/14/14

Applicant's Signature _____

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature _____

Business Manager Signature (If Applicable) _____

Date _____

Town Manager for the Board of Selectmen _____

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$125.00 RECEIPT NO. #5636 RECEIPT DATE 1/22/14 MI PM MM MS
 MMA

**Department of Public Safety
Division**

Liquor Licensing & Inspection



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES 4-11-14

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTIONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>THE GOLDENROD</u> DOB: _____		2. Business Name (D/B/A) <u>LUBSTERLOVE</u>	
DOB: _____		Location (Street Address) <u>756 YORK ST</u>	
DOB: _____		City/Town <u>YORK HARBOR</u> State <u>ME</u> Zip Code <u>03911</u>	
Address <u>2 RAILROAD AVE</u>		Mailing Address <u>PO BOX 1140</u>	
City/Town <u>YORK BEACH</u> State <u>ME</u> Zip Code <u>03910</u>		City/Town <u>YORK BEACH</u> State <u>ME</u> Zip Code <u>03910</u>	
Telephone Number <u>207-363-2621</u> Fax Number <u>207-351-1008</u>		Business Telephone Number <u>207-351-1100</u> Fax Number <u>207-351-1008</u>	
Federal I.D. # <u>01-0264201</u>		Seller Certificate # <u>1049227</u>	

- 3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
- 4. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ 138,000 LIQUOR \$ 136,980
- 5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit ~~dancing~~ or entertainment on the licensed premises? YES NO

7. If manager is to be employed, give name: N/A

8. If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: N/A Business hours: N/A

9. Business records are located at: THE GOLDENROD, 2 RAILROAD AVE YORK BEACH, ME 03910

10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
SEE ATTACHED		

Residence address on all of the above for previous 5 years (Limit answer to city & state)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: DAVID M. PECK Date of Conviction: 1981, 1985

Offense: OUI Location: YORK, ME

Disposition: DEBT PAID

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) PROPERTY LOCATED AT 756 YORK ST, YORK HARBOR, ME 03911; FULL SERVICE RESTAURANT - SAME AS

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: _____ ^{PREVIOUS YEARS}

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.6 MILES Which of the above is nearest? SCHOOL

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: SANFORD INSTITUTE FOR SAVINGS

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: York Beach Maine on 1-21-, 20 14
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)
David Peck Truss

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
_____ City _____ Town _____ Plantation _____ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A,
Maine Revised Statutes and hereby approve said application.

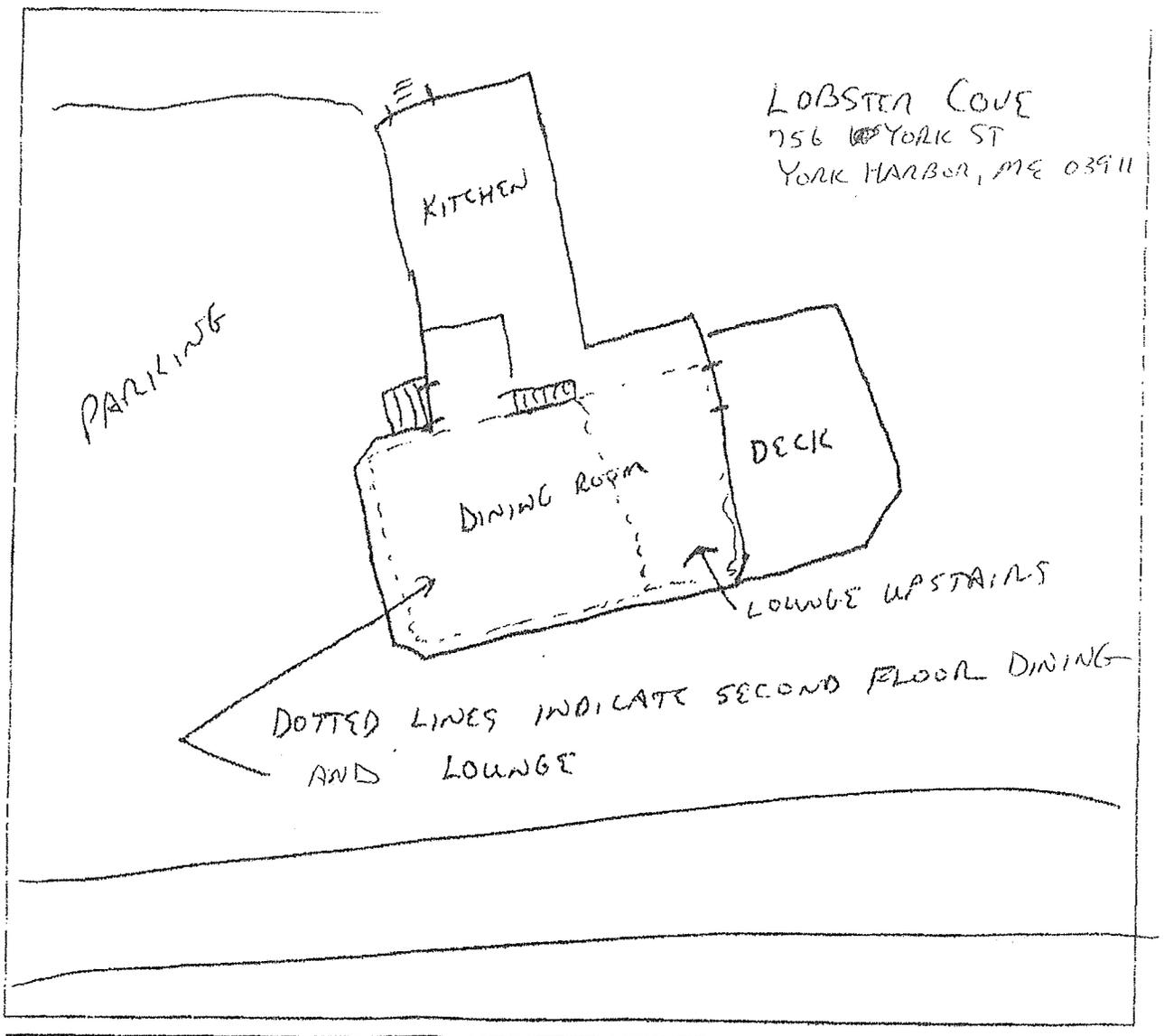
THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

- 1. Hearing. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses.
A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
[1993, c730, §27 (amd).]
3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
A. [1993, c.730, §27 (rp).]
4. No license to person who moved to obtain a license. (REPEALED)
5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

PREMISE DIAGRAM



OFFICES LOCATED AT: 397 WATER STREET GARDINER, MAINE 03345

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

Melissa M. Avery

From: Mary-Anne Szeniaewski
Sent: Wednesday, January 22, 2014 2:43 PM
To: Melissa M. Avery
Subject: RE: Business License: Lobster Cove

Current

Mary-Anne Szeniaewski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaewski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Wednesday, January 22, 2014 1:26 PM
To: Mary-Anne Szeniaewski; David Apgar
Subject: Business License: Lobster Cove

Attached is the Business License for Lobster Cove, located at 756 York Street (0040-0062).

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

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Melissa M. Avery

From: David Apgar
Sent: Tuesday, January 28, 2014 6:45 PM
To: Melissa M. Avery
Subject: Inspection Completed - Lobster Cove Rest

Hi Missy,

I have completed a fire inspection at Lobster Cove Rest. Please proceed with their license renewal .

Thank you,

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

Issues: None.

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TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name Greenleaves Chinese Restaurant, Inc.

Business Location _____

Telephone Number York, Maine 03909
(207) 363-2025

OWNER'S Name and

Mailing Address Qing Wen Wang
3 Sparrow Lane
York, Maine 03909

APPLICANT'S Name

and Mailing Address Qing Wen Wang
3 Sparrow Lane
York, Maine 03909

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing		
Fire	1/28/14	APGAR
Tax Collector	1/27/14	Szeriawski

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

<p>MAP/LOT: <u>91-Y-W Rt. 1-3</u></p> <p>License Year: <u>2014 - 2015</u></p> <p>No. Of Seats: <u>50</u></p> <p>No. Of Parking Spaces: <u>Parking Lot</u></p> <p>New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>Bed and Breakfast License: # of Rooms <u>N/A</u></p> <p>Hotel/Motel with Cooking Facilities: # of Rooms <u>N/A</u></p> <p>Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>	<p>REQUESTING THE FOLLOWING LICENSES:</p> <p><input checked="" type="checkbox"/> \$25.00 Victualers</p> <p><input checked="" type="checkbox"/> \$25.00 Liquor</p> <p><input type="checkbox"/> \$25.00 Special Amusement</p> <p><input type="checkbox"/> \$25.00 Bottle Club</p> <p><input type="checkbox"/> \$25.00 Theater</p> <p><input type="checkbox"/> \$25.00 Dance Hall</p> <p><input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more)</p> <p>Nature of Entertainment (If Applicable): _____</p> <p><input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____</p> <p><input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____</p>
---	--

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.

Date _____

Applicant's Signature _____

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature _____

Business Manager Signature (If Applicable) _____

Date 1/22/14

Town Manager for the Board of Selectmen _____

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$100.00 RECEIPT NO. #11581 RECEIPT DATE 1/24/14 MI PM MM MS

mmf

**Department of Public Safety
Division**

Liquor Licensing & Inspection



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<u>BUREAU USE ONLY</u>
License No. Assigned:
Class:
Deposit Date:
Amt. Deposited:

PRESENT LICENSE EXPIRES 03/28/2014

INDICATE TYPE OF PRIVILEGE: x MALT x SPIRITUOUS x VINOUS

INDICATE TYPE OF LICENSE:

- x RESTAURANT (Class I,II,III,IV)
- ف HOTEL-OPTIONAL FOOD (Class I-A)
- ف CLASS A LOUNGE (Class X)
- ف CLUB (Class V)
- ف TAVERN (Class IV)

- ف RESTAURANT/LOUNGE (Class XI)
- ف HOTEL (Class I,II,III,IV)
- ف CLUB-ON PREMISE CATERING (Class I)
- ف GOLF CLUB (Class I,II,III,IV)
- ف OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) Corporation DOB:	2. Business Name (D/B/A) Greenleaves Chinese Restaurant, Inc.
President / Treasurer DOB:	
Qing Wen Wang DOB:08/24/1970	Location (Street Address) US Route 1
Address 3 Sparrow Lane	City/Town York State Maine Zip Code 03909
	Mailing Address
City/Town York State Maine Zip 03909	City/Town York State Maine Zip Code 03909
Telephone Number (617) 328-8033 Fax Number	Business Telephone Number (207) 363-2025 Fax Number
Federal I.D. # 01-0454080	Seller Certificate # 243266

- 3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
- 4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 998,935.68 LIQUOR \$ 79,848.00
- 5. Is applicant a corporation, limited liability company or limited partnership? YES X NO

If YES, complete Supplementary Questionnaire

- 6. Do you permit dancing or entertainment on the licensed premises? YES 否 NO X
- 7. If manager is to be employed, give name: N/A
- 8. If business is NEW or under new ownership, indicate starting date: N/A
Requested inspection date: _____ Business hours: _____
- 9. Business records are located at: On the premises
- 10. Is/are applicants(s) citizens of the United States? YES X NO

11. Is/are applicant(s) residents of the State of Maine? YES X NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Qing Wen Wang	08/24/1970	Fu Zhou Prov. China

Residence address on all of the above for previous 5 years (Limit answer to city & state)
York, Maine

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO X

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No X If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES X NO

16. Does/do applicant(s) own the premises? Yes No X If No give name and address of owner: _____
Meadowbrook Village Realty Trust, P.O. Box 2000, York, Maine 03909 _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 2,220 sq. ft. of retail space;
1,272 sq. ft. of restaurant space / 948 sq. ft. of kitchen & services

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES X NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.5 miles Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO X

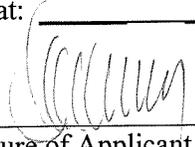
If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: York, Maine on January 22, 2014
Town/City, State Date

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)
Qing Wen Wang
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE		\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: ف Municipal Officers ف County Commissioners of the
ف City ف Town ف Plantation ف Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. Hearing. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant’s prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]

C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (amd).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]

E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. No license to person who moved to obtain a license. (REPEALED)

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: Greenleaves Chinese Restaurant, Inc.
Business D/B/A Name: Greenleaves Chinese Restaurant, Inc.
2. Date of Incorporation: February 21, 1990
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

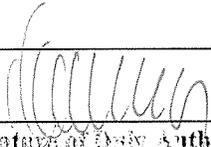
Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Qing Wen Wang	3 Sparrow Lane, York, Maine 03909	8/24/1970	100%	President

6. What is the amount of authorized stock? 2000 Outstanding Stock? 500
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (X) NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

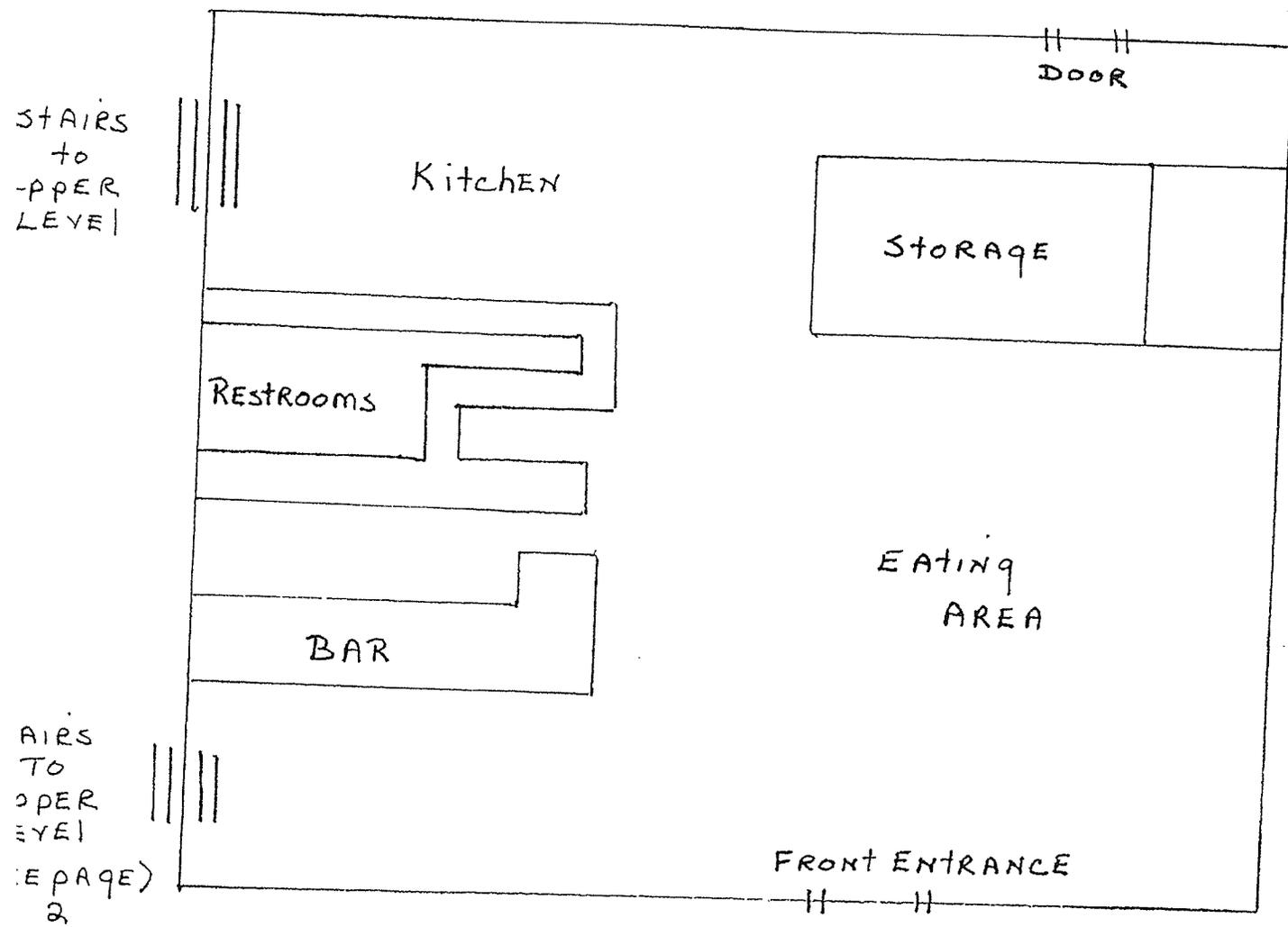
Dated at: _____ City/Town On: _____ Date

 _____ Date: 1/22/14

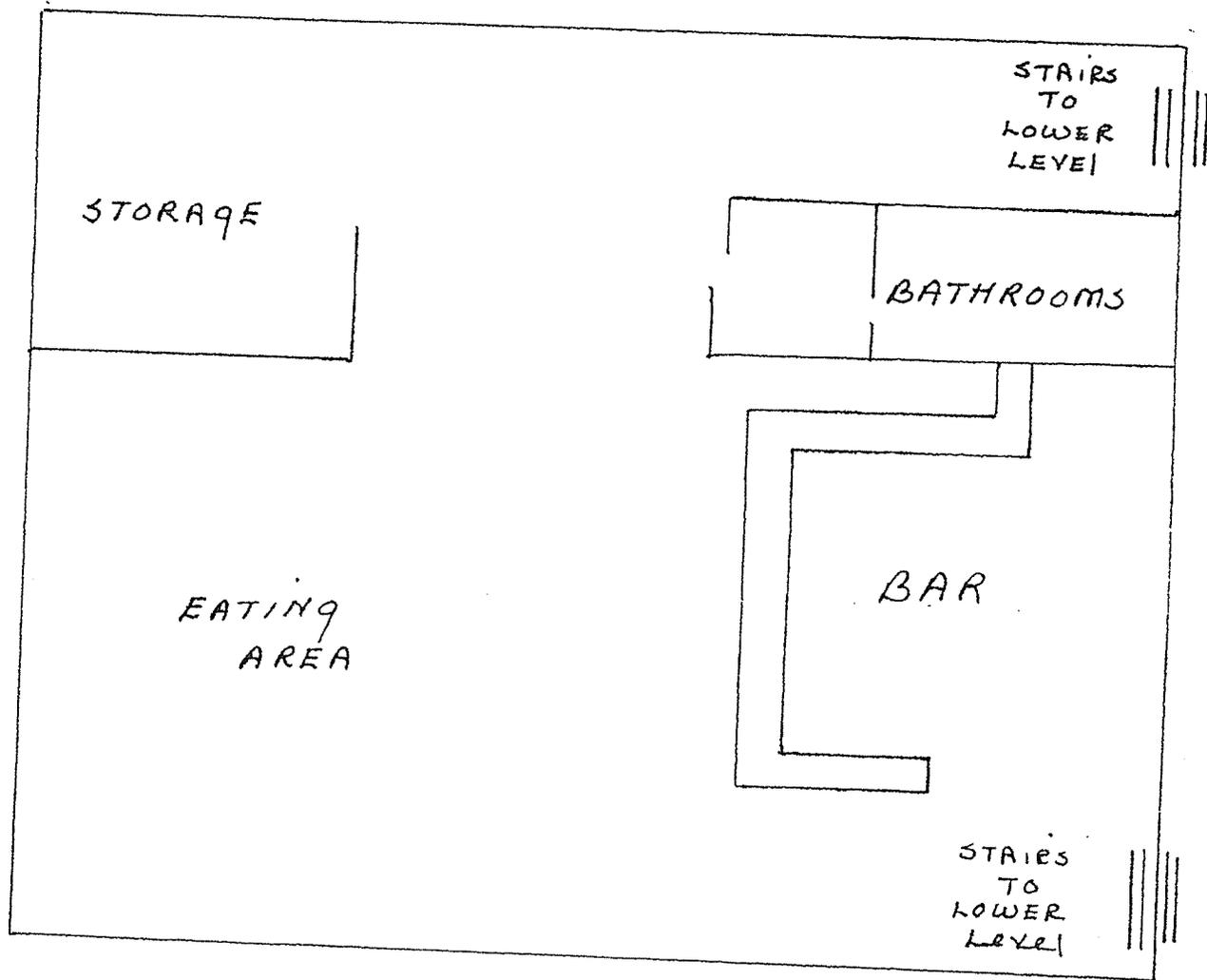
Signature of Duly Authorized Officer

Qing Wen Wang
Print Name of Duly Authorized Officer

PREMISE DIAGRAM
PAGE 1



PREMISE DIAGRAM
Page 2



State of Maine

DEPARTMENT OF PUBLIC SAFETY
Bureau of Liquor Licensing

License
Number

5578

Date of
Issue

03/29/2013

Date of
Expiration

03/28/2014

THIS CERTIFICATE IS VALID ONLY WITHIN THE DATE ISSUED AND EXPIRATION DATE APPEARING HEREIN. IT MAY BE USED ONLY FOR THE NAMED HOLDER AT THE LOCATION FOR WHICH ISSUED.

THE PERMIT NAMED HEREIN IS AUTHORIZED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES WITH ALTERNATE CONDITIONS PERMITTED BY LAW FOR THE PERMITS DESIGNATED BELOW.

THIS CERTIFICATE AND/OR EACH TYPE OF PERMIT REPRESENTED IS SUBJECT TO SUSPENSION, REVOCATION OR CANCELLATION AS AUTHORIZED BY TITLE 25-A OF THE REVISED STATUTES.

Owner(s): GREENLEAVES CHINESE RESTAURANT, INC.
Business: GREENLEAVES CHINESE RESTAURANT, INC.
US ROUTE ONE
YORK, ME

CODE	PERMIT TYPE/DESCRIPTION	FEE
1101	CLASS 1- SPIRIT, VINOUS, AND MALT - CLASS "A" RESTAURANT	\$900.00
2630	FILING FEE	10.00

Total Fees:

\$ 910.00

Every license shall be displayed on the licensed premises in a conspicuous location in that part of the premises where liquor is served or sold, where it can easily be seen.

Bureau of
Liquor Licensing

John E. Morris

Commissioner

License fee is non-refundable

GREENLEAVES CHINESE RESTAURANT, I

3 CHADDIS LANE

Melissa M. Avery

From: Mary-Anne Szeniaowski
Sent: Monday, January 27, 2014 8:55 AM
To: Melissa M. Avery
Subject: RE: Business Licnese: Greenleaves Chinese Restaurant

Current with taxes

Mary-Anne Szeniaowski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaowski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Friday, January 24, 2014 3:53 PM
To: Mary-Anne Szeniaowski; David K. Bridges; David Apgar
Subject: Business Licnese: Greenleaves Chinese Restaurant

Attached is the Business License application for Greenleaves Chinese Restaurant, located at 647 US Route One.

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

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Melissa M. Avery

From: David Apgar
Sent: Tuesday, January 28, 2014 6:44 PM
To: Melissa M. Avery
Subject: RE: Inspection Completed - Greenleaves

Hi Missy,

I have completed a fire inspection at Greenleaves. Please proceed with their license renewal .

Thank you,

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

Issues: None.

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TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION



Business Name Fosters Downeast Clambake
 Business Location 5 Axholme Road
York, Maine 03909
 Telephone Number 207-963-3955

OWNER'S Name and Mailing Address Kevin Taey
PO Box 486
York Harbor, ME 03911

APPLICANT'S Name and Mailing Address same

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing	<u>1/29/14</u>	<u>KH/...</u>
Fire	<u>1/28/14</u>	<u>Appgar</u>
Tax Collector	<u>1/29/14</u>	<u>Szeniewski</u>

APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: <u>50/81</u> License Year: <u>2014</u> No. Of Seats: <u>400</u> No. Of Parking Spaces: <u>225</u> New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms <u>N/A</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>N/A</u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input checked="" type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
---	---

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.
1/13/14 Date [Signature] Applicant's Signature

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature [Signature] Business Manager Signature (If Applicable) _____

Date _____ Town Manager for the Board of Selectmen _____

Issued pursuant to the provisions of Title 30A MRS Chapter 3811 through 3814

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<u>DEPARTMENT USE ONLY</u>	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 4/27/14

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTINONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) —(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
DOB:			Fosters Downeast Clambake		
Kevin Tracy			DOB: 9/25/52		
DOB:			Location (Street Address)		
Address			5 Axholme Rd.		
63 Hampton Rd.			City/Town York State ME Zip Code 03909		
Mailing Address			PO Box 486		
City/Town Exeter State NH Zip Code 03833			City/Town York Harbor State ME Zip Code 03911		
Telephone Number 603-778-7485 Fax Number 207-363-2213			Business Telephone Number 207-363-3255 Fax Number 207-363-2213		
Federal I.D. # 01-04054-24			Seller Certificate # 2091164		

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A

4. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ 1,490.95 LIQUOR \$ 122,695

5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO

7. If manager is to be employed, give name: Elizabeth Wilson

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 5 Axholme Rd. York, ME 03909

10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO personal no business yes

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Kevin Tracy	9/25/52	Methuen, MASS.

Residence address on all of the above for previous 5 years (Limit answer to city & state)
Exeter, NH

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Enclosed Pavilion

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 150 yards Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
If YES, give details: mortgage, People's United Bank

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: York, Maine on January 13th, 20 14
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Kevin Tracy
Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE		\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
_____ City _____ Town _____ Plantation _____ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]

C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]

E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a pub-

lic hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

For Office Use Only:
License #: _____
Date Filed: _____

**Supplemental Information Required for
 Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

- Exact legal name:
Bill Fosters Downeast Clambake Inc.
- Other business name for your entity (DBA), if any:
Fosters Downeast Clambake Inc
- Date of filing with the Secretary of State: 4/1/85
- State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Kevin Tacy	163 Hampton Rd. Exeter, NH 03833	9/25/52	100

- Is any principal person involved with the entity a law enforcement official?
 Yes No
- If Yes to Question 7, please provide the name and law enforcement agency:
 Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

10. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

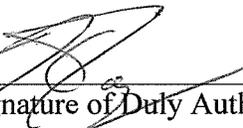
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

Date 1/13/14

Print Name of Duly Authorized Person

Submit Completed Forms To: Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220

Melissa M. Avery

From: David Apgar
Sent: Tuesday, January 28, 2014 6:46 PM
To: Melissa M. Avery
Subject: Inspection Completed - Foster's Downeast Clambake

Hi Missy,

I have completed a fire inspection at Foster's Downeast Clambake. Please proceed with their license renewal .

Thank you,

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

Issues: None.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

Melissa M. Avery

From: Mary-Anne Szeniawski
Sent: Wednesday, January 29, 2014 12:20 PM
To: Melissa M. Avery
Subject: RE: New Business Licnese: Foster's Downeast Clambake

Current

Mary-Anne Szeniawski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniawski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

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From: Melissa M. Avery
Sent: Wednesday, January 29, 2014 8:16 AM
To: Mary-Anne Szeniawski
Subject: New Business Licnese: Foster's Downeast Clambake

Attached is the Business License application for Foster's Downeast Clambake, located at 5 Axholme Road (0050-0081)

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

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AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

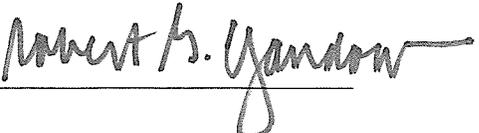
Date Submitted: February 5, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Sewer Extension – Main Street	

TO: BOARD OF SELECTMEN
FROM: Christine Grimando, Town Planner
RECOMMENDATION: Approve request and provide written assurances.
PROPOSED MOTION: I move to provide written assurances to the York Sewer District that the proposed sewer extension from 42 to 50 Main Street is consistent with adopted municipal plans and ordinances regulating land use, and further that the lots served are in conformity with adopted municipal plans and ordinances regulating land use.

Discussion: Pursuant to MRS Title 38, Chapter 12, Sections 1252 (7)(1) and (2) require that any sewer district must request written assurances from the municipal officers before constructing sewer extensions. The assurances relate to the project's conformity with the adopted municipal plans and land ordinances.

Also, see attached memo to the Town Manager dated February 5, 2014 for additional discussion.

Prepared By: 

Reviewed By: 

MEMO



TO: Rob Yandow, Town Manager
FROM: Christine Grimando, Town Planner
DATE: February 5, 2014
RE: Main Street Sewer Extension Compliance Review

In reference to the York Sewer District's January 14, 2014 request, received January 16, 2014, for a sewer extension on Main Street, I recommend the Board of Selectmen respond to the York Sewer District in writing as to whether the proposed sewer extension is compliance with York's Comprehensive Plan and ordinances. It is my opinion that the request is in conformance with York's ordinances and Comprehensive Plan.

Background

Per MRSA Title 38 §1252.7(A), the Town is required to certify within 45 days that the properties served and the sewer extension itself are in compliance with the Town's land use regulations and plans. The statute reads as follows:

A sewer district may not construct any sewer extension unless it acquires from the municipal officers or the designee of the municipal officers of any municipality through which the sewer extension will pass written assurance that:

- (1) Any development, lot or unit intended to be served by the sewer extension is in conformity with any adopted municipal plans and ordinances regulating land use; and*
 - (2) The sewer extension is consistent with adopted municipal plans and ordinances regulating land use.*
- Residents of Main Street have requested a sewer extension from the York Sewer District, starting at 42 Main Street and ending at 50 Main Street, a length of approximately 300 feet. The following addresses would be served by this extension:
 - 47 Main Street. Map & Lot 0023-0078.
 - 49 Main Street. Map & Lot 0023-0077.
 - 51 Main Street. Map & Lot 0023-0076.

- 50 Main Street. Map & Lot 0023-0026.
- 48 Main Street. Map & Lot 0023-0025.
- 46 Main Street. Map & Lot 0023-0024.
- 44 Main Street. Map & Lot 0023-0023.
- 11 Cappys Lane. Map & Lot 0097-0001-A.

11 Cappys Lane is the York Beach Campground, and it is worth noting that they haven't indicated at this time their wish to have sewer service, and that the York Sewer District has determined the line extension would not have enough capacity to serve the entire campground, either. It is included in this review in the event they expressed interest in having the property's wastewater needs partially served by public sewer in the future, as the property does front on this stretch of Main Street.



Compliance of Lots to be Served with Municipal Plans and Ordinances Regulating Land Use

Regarding the Comprehensive Plan, all of the properties affected by this extension request are in the priority service area (map inset), and all meet the soil type criteria for priority expansions (Surficial Geology map attached). There is no Comprehensive Plan conflict for extension to these lots.

The area of extension also includes the York Beach Campground, which could potentially be served by this extension. The campground is not an allowed use in the base zone (RES-6). However, it is a legally non-conforming use in this zone, and the Zoning Ordinance specifically allows legally non-conforming uses to continue. My interpretation of the Ordinance is that it is consistent with both the Comprehensive Plan and Zoning Ordinance to extend sewer service to this parcel.

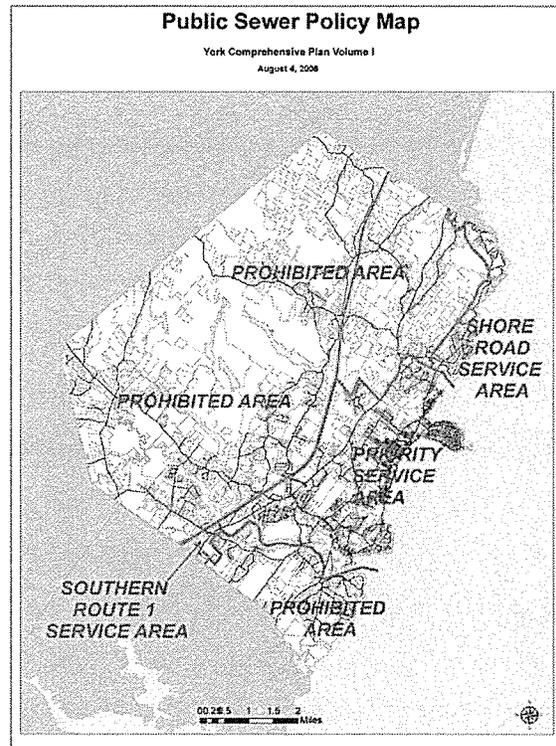
I have reviewed the Code Enforcement files on each of these properties to see if they are individually in any violation beyond the broad parameters of their use category and where they fall on the Public Sewer Policy Map. I have found no open violations or outstanding issues in any of the Code Enforcement files, and all building permits signed and completed.

Compliance of Sewer Extension with Municipal Plans and Ordinances Regulating Land Use

The Comprehensive Plan places Main Street in the Priority Service Area (§1.1.2.B.1.A). The Comprehensive Plan policy on sewer extensions lists priorities for extensions, and that the York Sewer District shall provide the extension, but does not prohibit any public sewer extensions on the basis of use or any other criterion. The section language reads:

Priority Service Area. Within the Priority Service Area, provision of public sewer throughout is a high priority. Within this area, the priority for expansion of sewer service is first to areas of marine clays (see the Surficial Geology map of the Natural Resources Chapter of the Comprehensive Plan Inventory & Analysis) and to areas in which there are concentrations of septic systems that are failing, and secondarily to other areas. Public sewer service in this area shall be from the York Sewer District.

The properties proposed, and the sewer extension area, are in conformance with Municipal Plans and Ordinances. I recommend the Board of Selectmen conclude the sewer extension is in conformance with all of the Town's land use ordinances and plans.



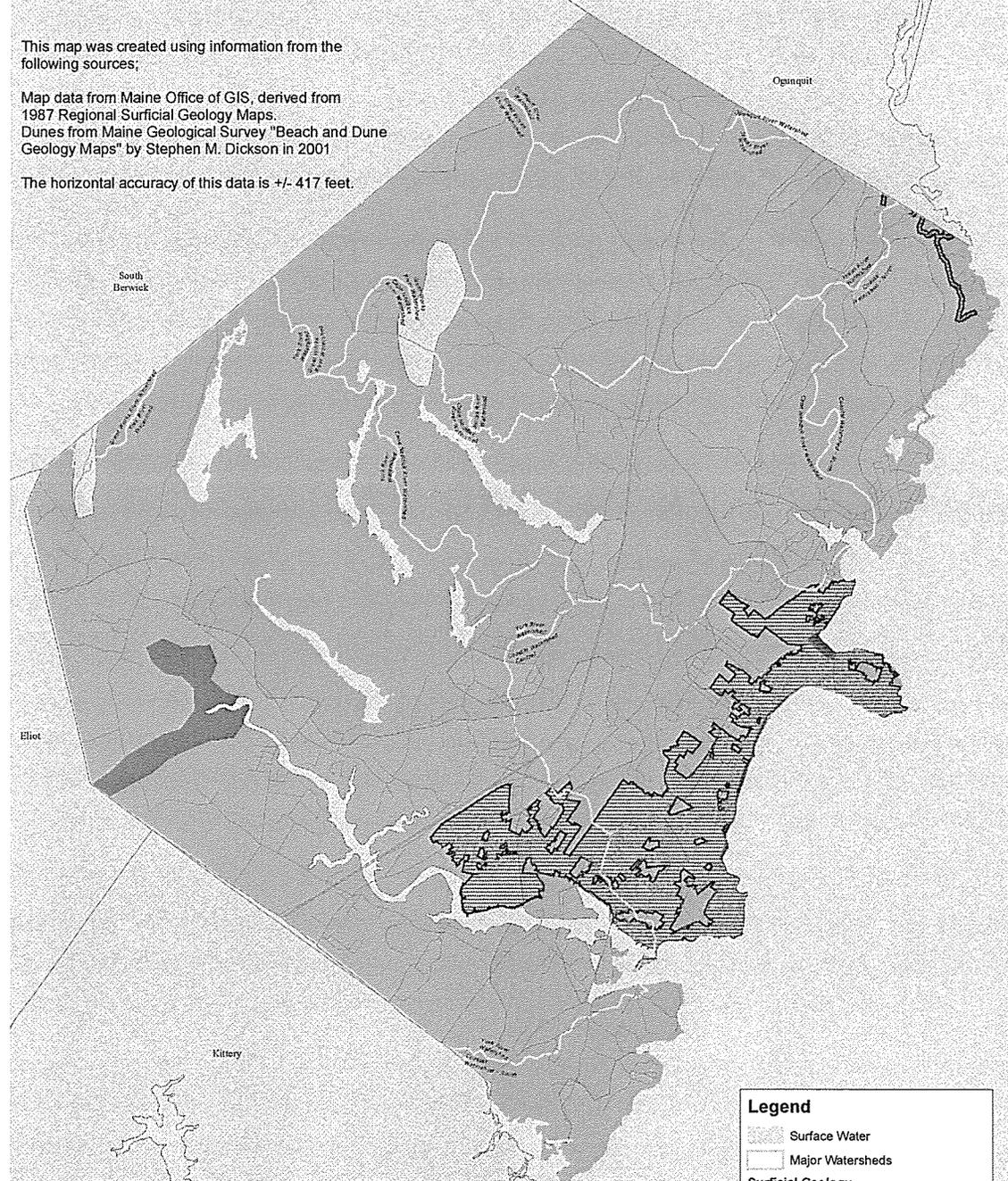
Surficial Geology

York Comprehensive Plan
Inventory and Analysis
Natural Resources Chapter
February 10, 2006

This map was created using information from the following sources;

Map data from Maine Office of GIS, derived from 1987 Regional Surficial Geology Maps.
Dunes from Maine Geological Survey "Beach and Dune Geology Maps" by Stephen M. Dickson in 2001

The horizontal accuracy of this data is +/- 417 feet.



	Cape Heddick River Watershed	N Coastal Watershed	C Coastal Watershed	S Coastal Watershed	Great Works River Watershed	Jonas River Watershed	Ogunquit River Watershed	York River Watershed
TILL	76%	51%	58%	65%	81%	88%	100%	53%
GLACIAL MARINE DEPOSITS	23%	49%	41%	32%	17%	11%	0%	44%
DUNE DEPOSIT	0%	0%	1%	0%	0%	0%	0%	0%
ICE CONTACT DEPOSITS	0%	0%	0%	0%	11%	1%	0%	0%
SWAMP/MARSH/BOG DEPOSITS	0%	0%	0%	0%	0%	0%	0%	3%
TOTALS	100%	100%	100%	100%	100%	100%	100%	100%

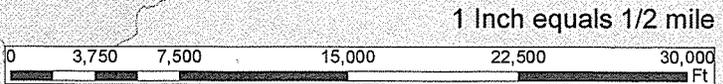
Legend

- Surface Water
- Major Watersheds

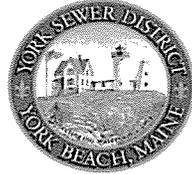
Surficial Geology

By Type

- DUNE DEPOSIT
- SWAMP/MARSH/BOG DEPOSITS
- GLACIAL MARINE DEPOSITS
- ICE CONTACT DEPOSITS
- TILL
- Sewer Service Areas



Rec'd 1.16.14



YORK SEWER DISTRICT

P.O. BOX 1039

YORK BEACH, MAINE 03910

FAX 207-363-6701

BOARD OF TRUSTEES:

ROBERT HOYT, CHAIRMAN

WALTER KYLLONEN, VICE CHAIRMAN

WAYNE McINTIRE, TREASURER

FREDERICK BOARDMAN, CLERK

DALE HILBOURNE, TRUSTEE

ADMINISTRATION OFFICE

21 BAY HAVEN ROAD

207-363-4232

TREATMENT PLANT OPERATIONS

106 MAIN STREET

207-363-5896

Robert Yandow
Town Manager
Town of York
186 York Street
York, Maine 03909

January 14, 2014

Re: Main Street Sewer Extension

Dear Mr. Yandow:

The York Sewer District has been approached by residents of Main Street requesting that they be allowed to extend an existing sewer line in Main Street. The sewer line extension would consist of approximately 300 feet of new sewer main and appurtenances. The sewer extension would start at 42 Main Street and end at 50 Main Street just before the intersection at Atlantic Ave. and would serve several lots currently on septic systems.

Per Title 38 Ch. 12, Section 1252, Subsection 7A, and the York Sewer District Charter, the York Sewer District is requesting the Town's written assurances relative to this subsection regarding sewer extensions.

Should you or any of your staff have any questions regarding this matter, please feel free to contact me.

Sincerely,

Timothy H. Haskell
Superintendent

Cc: Board of Trustees



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: 2/5/2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: 2/10/2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Maine DEP licensing requirements for York's Recycling and Composting Facility on Witchtrot Road.	

TO: BOARD OF SELECTMEN
FROM: Dean Lessard, Director of Public Works
RECOMMENDATION: Approve the DPW to submit application to Maine DEP for a solid waste transfer station permit.
PROPOSED MOTION: I move to authorize the Town Manager to sign the Maine DEP's application for a solid waste transfer station permit for York's Recycling and Composting Facility on Witchtrot Road.

Discussion:

- On June 20, 2012 The Department of Public works received a letter from Eric Hamlin of the Maine DEP stating that the Town's operations at its Recycling and Composting Facility on Witchtrot Road had exceeded the Maine DEP permit by rule (S-003607-CB-B-P).
- On June 26, 2012 Eric Hamlin and I have a phone conversation about the letter he had sent to the Town. He explained that although many of the Town's recycling activities may be exempt from additional permitting requirements many of the existing activities were not. He requested that the Town of York work to come into compliance with the State's applicable solid waste transfer station regulations (06-096 CMR 400 and 402). Eric told me that his office had been aware of this for some time but because they thought that the facility was well run and they had never received any complaints they choose not to make an issue of it. To date the Town has

not been given any notices, fines or deadlines to submit the additional permit applications. I told him that the town would work towards obtaining the appropriate license.

- Over the next year or so The Department of Public Works with the help of CLD Consulting Engineers worked on the items that were required to be submitted to Maine DEP as part of the permit. We contacted Eric and set up a Pre-Application meeting with him.
- On October 17, 2013 Engineers from CLD and I met with Eric Hamlin of Maine DEP at his Portland office to review the requirements of the permit application and discussed what the Town had completed to date. He was pleased with our progress and answered all of our questions.
- On December 6, 2013 Engineers from CLD and I met with Eric Hamlin of Maine DEP here in York. After the meeting Eric and I visited the Town's Recycling and Composting Facility on Witchtrot Road. We walked the site and went over all of the Town's operations. The meeting and site walk went very well.
- At this time the time the Town's permit is ready to submit to Maine DEP.

Included with the selectmen's action form are a copy of the June 20, 2012 letter from Eric Hamlin of Maine DEP, the completed Maine DEP application for a solid waste transfer station, an aerial plan with a conceptual design that outlines the proposed future facility improvements. I will have a large display board with the aerial plan for Monday night's discussion.

FISCAL IMPACT: \$2,244.00
DEPARTMENT LINE ITEM ACCOUNT:100.0302.8019
BALANCE IN LINE ITEM IF APPROVED: \$173.00

Prepared By: _____

Reviewed By: Robert B. Gendron

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Solid Waste Program, Attn: Vicky Bryant
 17 State House Station
 Augusta, Maine 04333-0017
 Telephone: (207) 287-2651

FOR DEP USE ONLY			
ATS ID: _____	Seq: _____	DEP ID: _____	Received by DEP: _____
Bureau: <u>S</u>	Type of Application: <u>WH</u>	Activity: <u>E</u>	Fees Paid: _____
Project Analyst: _____	Check No.: _____		

**APPLICATION FOR A SOLID WASTE TRANSFER STATION OR STORAGE SITE
 REDUCED PROCEDURES**

This form shall be used to request approval for the establishment of a new solid waste transfer station or storage site, pursuant to 38 MRSA, Section 1301 et seq., and Maine's Solid Waste Management Regulations.

PLEASE TYPE OR PRINT

Company Name: TOWN OF YORK Telephone: (207) 363-1010
 Applicant's Last Name: — First Name: —
 Contact Person: DEAN LESSARD-PUBLIC WORKS DIR. Telephone: (207) 363-1010

Address Information

Applicant Name: <u>TOWN OF YORK</u>	Agent/Consultant Name: <u>CLD CONSULTING ENGINEERS</u>
Telephone: <u>(207) 363-1000</u>	Telephone: <u>(207) 363-0669</u>
Mailing Address: <u>186 YORK ST</u>	Mailing Address: <u>316 US ROUTE 1 SUITE D</u>
Street Address: <u>" "</u>	Street Address: <u>" "</u>
Town: <u>YORK</u> State: <u>ME</u> Zip: <u>03909</u>	Town: <u>YORK</u> State: <u>ME</u> Zip: <u>03909</u>

Address: Billing
 Name: TOWN OF YORK
 Mailing Address: 186 YORK ST
 Street Address: " "
 Town: YORK State: ME Zip: 03909

Site/Activity Information

Project Description: Transfer station or Storage site (circle one) Reduced Procedures
 Location: 65 WITCHTROT ROAD Directions: Ex. 7 off I-95, Right onto R+1 South, Right onto R+91. After 4 miles take right onto Witchtrot Road.
YORK, ME

PLEASE SEE PAGE 2 - SIGNATURE REQUIRED

SIGNATURE OF APPLICANT

By signing this application, the applicant certifies that he or she has: (1) published the public notice form once in a newspaper circulated in the area where the project is located, (2) sent a copy of the public notice form to the owners of property abutting the land upon which the project is located, (3) sent a copy of the public notice form to the chief municipal officer and chair of the municipal planning board of the municipality in which the project is located (4) filed a complete copy of this application in the municipal office of the municipality in which the project is located, (5) reviewed the instructions contained in this application form, and (6) reviewed the appropriate state laws that relate to the proposed project.

I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I, the property owner or lessee, authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

DATE: _____

NAME: _____
(Applicant)

TITLE: _____
(If other than applicant, attach letter of agent authorization.)

PLEASE SEE ATTACHED FEE SCHEDULE TO DETERMINE THE APPLICATION FEE FOR
FOR A TRANSFER STATION OR STORAGE SITE

INSTRUCTIONS

1. Please refer to Chapters 400 and 402 of the "Maine Solid Waste Management Regulations" to understand the standards and requirements for the design and operation of a solid waste transfer station or storage site. If you have any questions that arise at any point during the application or review process, please contact the DEP Solid Waste Program staff.
2. Pre-Application meeting. Applicants proposing to establish a new transfer station or storage site are encouraged to meet with DEP staff to discuss the proposed project. The meetings can help avoid unnecessary expense and processing delays.
3. Fill out the application completely. INCOMPLETE APPLICATIONS WILL BE RETURNED, CAUSING UNNECESSARY DELAYS IN THE REVIEW PROCESS. All work to support the investigation, design, and construction of a solid waste facility must be undertaken by individuals whose training, experience and professional certification is appropriate to accomplish the specific tasks with accuracy and technical proficiency. Reports, plans or other materials submitted in support of the application must bear the signature and, if appropriate, the seal of the individual who drafted or supervised the drafting of each document.
4. Publish a "Notice of Intent to File" this application once in a newspaper circulated in the area where the project is located. (A form for this notice is attached to this application.) The notice should appear in the newspaper within 30 days prior to filing the application with the DEP.
5. Send by certified mail, a copy of the "Notice of Intent to File" to all the owners of property abutting the project. Their names and addresses can be obtained from town tax maps or local public officials. Abutters must receive notice within 30 days prior to filing the application with the DEP. If your project abuts a road or other public or private right-of-way, the person on the opposite side of the right-of-way must be notified.
6. Send by certified mail, a copy of the "Notice of Intent to File" to the chief municipal officer and to the chairperson of the planning board in the municipality where the project is to be located. If the project is located in an unorganized area, send the notice and application to the appropriate Office of the County Commissioners and the Maine Land Use Regulation Commission, 22 State House Station, Augusta, Maine 04333-0022. The notice must be filed in the appropriate office within 30 days prior to filing with the DEP.
7. Submit to the Department the application along with all attachments, a copy of the "Notice of Intent to File", and a check for the appropriate application fee made payable to "Treasurer, State of Maine". Please consult with DEP staff to determine how many copies of the completed application form and supporting reports must be submitted to the Department. In general, three copies of site plans, drawings, soil maps, or other data on sheets larger than 8½" x 14" copies must be submitted unless the staff determines that fewer copies are needed. ALL PLANS SHOULD BE FOLDED TO SIZE 8½" x 11" unless otherwise indicated by DEP staff. Any part of the application which has been prepared by a P.E., C.G. or C.S.S. must be stamped and signed by that person. If the applicant is a corporation, a certificate of good-standing from the Secretary of State must be included.
8. Send one complete copy of the application and any amendments that are subsequently submitted to the Municipal Office of the town within which the project is located. If the project is located in an unorganized area, send the application to the appropriate Office of the County Commissioners and the Maine Land Use Regulation Commission, 22 State House Station, Augusta, Maine 04333-0022. The application must be filed in the municipal office or at the County Commissioners Office and LURC at the time of filing with the DEP.
9. Keep a copy of the completed application for your files. This copy will be helpful in speeding up communications with the DEP staff if any questions arise during the review of the project.
10. Upon the approval by the Department of Environmental Protection, a permit will be issued and sent to the applicant. The applicant should read the permit carefully in order to become familiar with any conditions. Failure to comply with conditions of approval may lead to enforcement action or the revocation of a permit.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

June 20, 2012

Certified Mail #7011 0110 0001 1714 0966

Dean Lessard, P.E., Director
Town of York Public Works
186 York Street
York, ME 03909

RE: Town of York Transfer Station and Composting Facility licensing requirements

Dear Mr. Lessard:

It has come to my attention that the Town of York Transfer Station and Recycling Facility on Witchtrot Road is not properly licensed by the Department. It is my understanding that this facility has been operating since at least since 2003, but activity at the site appears to have increased in volume and scope since that time. Currently, the facility accepts leaves and yard waste for composting (permitted under a Department permit by rule #S-003607-CB-B-P); metallic waste including appliances, tools, propane tanks, scrap metal, and metallic demolition debris; brush and wood waste; used antifreeze; waste oil; electronic waste; and universal waste such as rechargeable batteries, mercury devices, fluorescent bulbs, televisions and computer monitors, and computer parts.

While there are exemptions in the Department's rules for some of your current activities, the facility has grown to a point where it is no longer operating in accordance with these exemptions. In order to comply with applicable regulations (06-096 CMR 400 and 402), the Town of York must obtain a license for a solid waste transfer station. Please contact me to discuss this matter as soon as possible. I can be reached by phone at 822-6344, by email at eric.p.hamlin@maine.gov, or by mail at the Department's Portland address.

Sincerely,

Eric P. Hamlin
Division of Solid Waste Management
Maine Department of Environmental Protection

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: 2/4/2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: 2/10/2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Maine DOT Small Harbors Improvement Program (SHIP) Grant Agreement for Public Access improvements along the York River.	

TO: BOARD OF SELECTMEN
FROM: Dean Lessard, Director of Public Works
RECOMMENDATION: Accept the Maine DOT Small Harbors Improvement Program (SHIP) Grant to improve safety and public access to Fisherman's walk.
PROPOSED MOTION: I move to authorize the Town Manager to sign the Small Harbors Improvement Program (SHIP) agreement with Maine DOT in order to secure \$150,000 in state funds for the DPW's proposed Fisherman's walk pathway improvements.

Discussion:

- On May 22, 2010 the York voters approved Warrant #48 appropriating the sum of \$150,000 for the Pathway to Route 103 Causeway from the Fishermen's walk. This project involved constructing a new path and pedestrian connection to the causeway, Wiggly Bridge and Steedman woods under the new Rte 103 Bridge. The proposed new connection would improve pedestrian safety and enhance the experience to the users. After it became apparent that the pathway would not be able to be completed in conjunction with the Maine DOT's Rte 103 Bridge construction project DPW began to look for other ways to deliver the project.
- On May 5, 2012 The Department of Public Works with the help of CLD Consulting Engineers submitted a letter of intent to apply for a 2012 Small Harbor Improvement Program (SHIP) grant.

- On July 2, 2012 Town of York Staff meet with Dan Stewart of Maine DOT to review the proposed Fisherman's walk project. After meeting Dan the Town split the project into two separate projects in order to increase the possibility of funding.
- On October 5, 2012 The Town of York Staff received a letter from Dan Stewart of Maine DOT informing us that our project was not funded.
- On November 4, 2013 The Department of Public Works submitted a letter of intent to apply for a 2013 Small Harbor Improvement Program (SHIP) grant.
- On November 13, 2013 I met with Dan Stewart of Maine DOT to discuss the Fisherman's walk project and possible changes the Town of York could make to the project to improve our application for State funding through the Small Harbor Improvement Program (SHIP) grant program.
- On December 2, 2013 The Board of Selectmen voted to approve the submittal of a 2013 grant application to Maine DOT's Small Harbors Improvement Program (SHIP) in order to secure funds for the DPW's proposed Fisherman's walk pathway improvements.
- On December 13, 2013 The Town of York formally submitted its 2013 Small Harbors Improvement Program (SHIP) grant application.
- On January 29, 2014 The Town was informed by The Maine Department of Transportation (Maine DOT) that our application for Small Harbor Improvements had been approved for design and/or construction in 2014.

Included with the selectmen's action form are the submitted 2013 application for the Project, an aerial plan with a conceptual design that outlines the project limits for 2013 application along with a series of cross sections that show the proposed new walkway. I will have a large display board with the aerial plan for Monday night's discussion.

FISCAL IMPACT: \$150,000
DEPARTMENT LINE ITEM ACCOUNT: 100.0320.9619
BALANCE IN LINE ITEM IF APPROVED: \$293,304.64

Prepared By: _____

Reviewed By: _____

Robert B. Gandon

Dean Lessard

From: Stewart, Dan [Dan.Stewart@maine.gov]
Sent: Wednesday, January 29, 2014 3:02 PM
To: harbormaster@cityofbelfast.org; bremen@tidewater.net; pfinnigan@camdenmaine.gov; eastportmanager@outlook.com; dlarrison@freeportmaine.com; sailinaway@comcast.net; tadmin@town.lincolnvill.me.us; lubecadmin@wwslsp.com; millbridgetown@yahoo.com; nhadmin@midcoast.com; harbormaster@townofogunquit.org; rcleaves@wabanaki.com; jholden@ci.rockland.me.us; planner@town.rockport.me.us; searsportmanager@roadrunner.com; swanisle@tdstelme.net; cmayo@wellstown.org; Dean Lessard; mstratton@townofvinalhaven.org
Subject: FW: SHIP ANNOUNCEMENT TO APPROVED COMMUNITIES
Attachments: SHIP2014TOWNPROJECTSWEBEMAIL.xlsx

January 29, 2014

The Maine Department of Transportation (MaineDOT) is pleased to inform all of you that your application for Small Harbor Improvements has been approved for design and/or construction in 2014. The attached spreadsheet and information below outlines each approved 2014 project including town, project description, the work plan identification number (WIN), the match funding amount, the SHIP funding amount, the total project budget, the construction year, and the project manager contact information for each project.

Each project is scheduled to begin once the state/local agreement is in place. **Do not proceed with any part of the project until the project agreement is signed by MaineDOT. This project agreement will be provided by MaineDOT for the appropriate local signature.** As a reminder, MaineDOT reserves the right to reduce or change the scope at any point during the process. It is imperative that your community work continuously on this project once the agreement is executed and make it a priority to get built as soon as possible this calendar year. All projects are required to be fully constructed (or fully designed by June if design only) this calendar year.

The funding amounts and proposed scope approved were based primarily on estimates provided in the application. If actual costs prove to be greater than the agreed upon funding amount, your municipality will be responsible for those additional costs unless there is written modification to the agreement from MaineDOT that is fully executed.

Please reply to me immediately that you received this notification and to signify that you will get in contact with your assigned project manager to move the project forward within **two weeks (at the latest)** of receipt of this email.

MaineDOT is a proud partner in assisting with your community's marine related transportation improvements!

Sincerely,

Dan Stewart

Municipality	Project Description	WIN	Matching Funds	Ship Funds	Total Project Budget	Budget Year	Project Manager
Belfast	Replace 5 (8 x 20) floats, 1 (12 x 20) float, with steel bracket, and install 1 three pile dolphin at Belfast Public Landing, 25 Front Street.	18534.10	\$25,000.00	\$25,000.00	\$50,000.00	2014	Aurele Gorneau
Bremen	Design and permitting for clammer, kayak, and public stairwell, parking lot and access drive, Broad Cove, Route 32.	18534.11	\$10,000.00	\$10,000.00	\$20,000.00	2014	Aurele Gorneau
Camden	Expand waterfront access wharf, including pilings (approximately 300 feet) and creating commercial fishermen hoist at Camden Public Landing Harbor.	18534.12	\$68,500.00	\$68,500.00	\$137,000.00	2014	Nate Benoit
Eastport	Create a new ramp, and parking area at the former MacNichols Wharf.	18534.13	\$115,000.00	\$90,000.00	\$205,000.00	2014	Aurele Gorneau
Freeport	Replace main float, finger floats, dingy racks, safety ladders, and fender system at Freeport Town Dock, and public access stairwell at Burnett Road Bridge.	18534.14	\$33,500.00	\$33,500.00	\$67,000.00	2014	Mike Laberge Aurele Gorneau
Kittery	Replace and enlarge (3) floats at Traip Academy Boat Launch Piscataqua River.	18534.15	\$10,000.00	\$10,000.00	\$20,000.00	2014	Brian Keezer
Lincolnton	Rehabilitate middle (31 feet) and inner (21 feet wide) section of wave screen, adjacent to Lincolnville/Islesboro ferry slip.	18534.16	\$106,000.00	\$106,000.00	\$212,000.00	2014	Catherine Rand
Lubec	Create a new float system and ADA compliant ramps, 2 transient moorings, at the former Lubec Marina.	18534.17	\$77,500.00	\$77,500.00	\$155,000.00	2014	Aurele Gorneau
Milbridge	Replace decking at commercial pier.	18534.18	\$5,750.00	\$5,500.00	\$11,250.00	2014	Brian Keezer
North Haven	Add a fourth 10 by 30 foot float, including new mooring to secure in place at town float system, at State Ferry Pier.	18534.19	\$7,500.00	\$7,500.00	\$15,000.00	2014	Catherine Rand
Ogunquit	Replace and expand float system, pilings, replace gangway, at the southern side of drawbridge at Perkins Cove.	18534.20	\$50,000.00	\$50,000.00	\$100,000.00	2014	Brian Keezer
Pleasant Point	Extend by 6 dock sections (approximately 120 feet) the existing floats and boat ramp at Pleasant Point.	18534.21	\$151,844.00	\$151,844.00	\$303,688.00	2014	Nate Benoit
Rockland	Purchase and installation of an 80 foot ADA compliant ramp to Rockland Public Pier, in Harbor Park.	18534.22	\$22,500.00	\$22,500.00	\$45,000.00	2014	Catherine Rand
Rockport	Install new float system, 4 (10 by 20) and associated dolphins and pilings at Rockport Harbor Park and Marina in Rockport Village Harbor area.	18534.23	\$26,700.00	\$26,700.00	\$53,400.00	2014	Catherine Rand
Searsport	Reconstruction section of pier, and add floats, electrical, lighting, water, and power to floats.	18534.24	\$605,000.00	\$250,000.00	\$855,000.00	2014	Nate Benoit Mike Laberge
Swans Island	Restoration of (navigation aide) Swans Island Light House, phase 1 rehabilitation of the inside.	18534.25	\$21,250.00	\$21,250.00	\$42,500.00	2014	Catherine Rand
Vinalhaven	Replace 59 pilings and caps in Parking Lot Wharf, downtown Vinalhaven.	18534.26	\$87,500.00	\$87,500.00	\$175,000.00	2014	Catherine Rand
Wells	Replace hoist system at Wells Harbor Commercial Fishing Facility.	18534.27	\$8,750.00	\$8,750.00	\$17,500.00	2014	Brian Keezer
York	Float system and landing area for canoe/kayak/boater access to York River including bulkhead/gravel walkway, Route 103, York River.	18534.28	\$150,000.00	\$150,000.00	\$300,000.00	2014	Brian Keezer



Date Application
Received

(For MaineDOT Use
Only)

Small Harbor Improvement Program

2013 Application

Section 1: General Information

Applicant Name(s): Town of York		
Contact Person: Dean Lessard, Public Works Director		
Mailing Address: 186 York Street		
City: York	State: ME	Zip: 03909
Daytime Phone No.: 207-363-1011	Email: dlessard@yorkmaine.org	
<p>NOTE: The following sections of this application request specific project-related information. If warranted, pictures, maps, exhibits, diagrams, survey summaries, etc., should be included with the application. Please be concise. If additional space is required, please attach supplemental sheets.</p>		

Section 2: Project Information

Note: Separate complete application(s) are required for each different project proposal

Location of Project: Provide abutting **street** name(s) and additional project location references. Feel free to attach designs/ diagrams, maps, sea charts, etc. that will help provide a clear description of the proposed scope and location:

This project is located adjacent the Route 103 Bridge over York River in York Harbor, ME, near Steedman Woods Nature Reserve and Wiggly Bridge. See attached location map.

Attachments: Location Map
 Project Budget
 Float System Information
 General Plan
 Cross-Sections

Project Summary (*Outline proposed improvements in 40 words or less*): Construction of a float system and landing area for canoe/kayak access to York River including a gravel walkway and bulkhead to connect to the Fisherman's walk.

Provide a bulleted list of proposed specific improvements (for instance...widen existing concrete ramp, create 8 new floats, replace gangway, create 4 new pilings, etc., etc. :

- Install float system including gangway, three floats, and kayak/canoe launch port
- Construct landing and access walkway
- Construct 10 ft. high by 300 ft. long bulkhead to limit impacts to coastal wetland
- Completing connection of the existing Fisherman's Walk walking trail under the Route 103 bridge to the pathway that crosses Wiggly Bridge (eliminating an existing cross-walk with limited sight distance)

Describe concisely why the project is needed and associated benefits:

This project is needed for our community because it will increase public access for kayakers and canoeists to the historic York River, provide additional location for recreational/transient boater access to landmarks and nature reserves, as well as promote local business during the summer season.

The project promotes the following goals in the Town of York Comprehensive Plan effectively dated November 5th, 2013:

- **Town Goal 3.2:** To retain York's attraction as a family oriented seasonal resident and tourist community
- **Town Goal 7.1:** Manage and maintain existing harbors to provide the greatest possible diversity of use.
- **Town Goal 10.1:** To provide and enhance recreational areas and opportunities for York's residents and property owners.

The project would provide an additional launch site for kayaks and canoes, with free public parking available promoting physical activity, as well as providing and improving convenient access for the general public, without the necessity for parking passes for spaces convenient to the only other harbor launch location.

The float system will provide another location for recreational/transient boaters to dock, and have direct access to walking trails that extend 1.5 miles along the York River, including the Fisherman's Walk and the Cliff Walk to the east, and the causeway to Wiggly Bridge and Steedman Woods to the west. This also allows convenient access to York Harbor and York Village shops, restaurants and attractions within walking distance, including the Historic Sayward Wheeler House and Harbor Beach, providing an economic benefit to those businesses.

Pedestrian safety would also increase by connecting Fisherman's Walk under the Route 103 Bridge directly to the Wiggly Bridge causeway; where currently pedestrians need to cross Route 103 via a crosswalk, which has limited sight distance.

Describe which groups (fisherman, recreational boaters, business, etc.) will benefit from the proposed project:

The following groups will benefit from the proposed project

- Kayakers and canoeists
- Recreational boaters
- Transient boaters
- Recreational Fisherman & Clammers
- Tourists
- Residents/Public/Pedestrians
- Local businesses (Shops, restaurants and lodging)

Describe any discussions with environmental permitting agencies and/or approved permits for the proposed project.

MaineDEP has been contacted to discuss required permitting for the project; a reviewer was assigned who indicated that a NRPA Individual Permit would be required to cover all aspects of the project. Since the project impacts to coastal wetlands are expected to be less than 500 SF, compensatory mitigation is not anticipated to be required.

US Army Corps of Engineers (USACE) information was reviewed regarding the project which falls into Section 2. Navigable Waters Category 2, section g. (Miscellaneous) for the public float system. Although the project is located adjacent to a navigable waterway, it is anticipated that the float system will be outside the navigable waterway and therefore not subject to a US Coast Guard permit.

Describe environmental permits needed (in bullet form), and from which agency, necessary for the project.

- MaineDEP NRPA Individual Permit
- USACE Maine General Permit – Category 2
- Request for Approval of Timing of Atlantic Salmon Committee
- Request for Approval of Timing of Department of Marine Resources
- Shoreland Permit from Town of York
- Dock Permit from Town of York
- York Harbor Board approval

Describe (if applicable) design efforts that have been completed to date on the proposed project and attach any completed design information.

CLD has completed preliminary design drawings that show the proposed layout of the float system, landing and associated walkway/bulkhead. In addition, CLD completed alternatives assessments of various retaining wall/bulkhead scenarios to determine the recommended alternative.

The drawings can be found in the attachments and are labeled as

- General Plan (overlaid on aerial photography)
- Cross Sections of bulkhead (overlaid on roadway cross-sections from the Route 103 Bridge reconstruction completed by MaineDOT in 2011-12).

Describe the proposed timeline for design and/or construction of the proposed project (For example, if eligible for construction in 2014, estimated timeline should begin with municipal/state agreement signed by February 2014):

1. Grant Award/Signed Municipal Agreement: February 2014
2. Consultant Selection/Negotiation: February 2014
3. Final Design/Permitting:
 - a. Design/construction plans & permit applications: March 2014
 - b. Permit reviews (up to 90 days): June 2014 approvals
4. Project Advertising: July 2014
5. Construction Award: August 2014
6. Construction: September-October 2014

Please list all applicable public meeting dates including town council/selectboard meetings for the project, for submitting this application, and for any budgetary approvals of local match. (To be eligible to receive funding for construction in 2014, the project and local match must have been approved before submittal of this application.)

- Warrant Article #48 on May 22, 2010 Ballot was approved by voters for the project including a capital expense of \$150,000; prior to warrant article the project progressed through the Budget Committee and Board of Selectmen process including public hearings and approval by both groups to place on ballot for voter approval.
- On December 2, 2013, Board of Selectmen approved the DPW to apply for this grant for the project, and approved the local match of \$150,000 (previously approved by voters).

If the community has not made the final decision(s) or approved the local match, please describe the timeline for approvals for the project and local match. (The project will not be placed into a future budget until all local approvals including local match are finalized).



Barber Rd

US 15

US 15

US 15

Chapman Rd

Lehigh St

US 103

US 15

Longfellow Rd

York Harbor

US 103

US 15

York St

York Harbor

York Harbor Entrance

Russell Mill Pond

York Hospital

York County Club

York St

York St

York St

Section 3: Project Budget

Section 3.1 - Estimated Cost of Infrastructure Project

Preliminary/Final Design Engineering/Environmental Permitting: 1. \$ 20,000

Construction: 2. \$

Construction Oversight: 3. \$

Total Value of Project (add lines 1 through 3): 4. \$

Local Match/Voluntary Contributions (Note: All match/voluntary contributions must be detailed. Bonus consideration may be given to applications that offer additional match/voluntary contributions beyond any applicable required local match.)

- **Cash (In most instances, cash is the only allowed match):** 5. \$ 150,000

- **Potential quantifiable labor and/or materials contributions:** 6. \$ 0

Total Local Match Contributions (minimum 50% of total project required): 7. \$ 150,000

Funds Requested from MaineDOT: 8. \$ 150,000

Note: The sum of Lines 7 and 8 should equal Line 4 above.

Section 3.2 - Detailed Description of Infrastructure Project and Cost (if applicable)

Provide or attach a detailed description of project work items and/or construction costs from Section 3.1. See attached budget sheet.

Section 5: Authorized Signatures

These signatures indicate that if the municipality is approved for funding, that the municipality will enter into a municipal/state agreement with MaineDOT requiring the municipality/applicant/sponsor to administer the development, design, and construction of the project abiding to federal, state, and local requirements. The signature also indicates that the community understands that it will be entirely responsible for maintenance of the finished project, and that the public will have access to the project for the life of the project.

Note: Information on Locally Administered Project (LAP) requirements can be found at:
<http://www.maine.gov/mdot/lap/lpa.php>

An authorized representative of the city/town

Municipal Official:

Name(s): Dean Lessard

Title: Public Works Director

Phone #: 207-891-7569

Email: dlessard@yorkmaine.org



Signature(s)

12/12/13
Date

Local Project Municipal Contact (Likely to be the Local Project Administrator)

Name: Dean Lessard

Title: Public Works Director, Town of York

Phone #: 207-363-1011

Email: dlessard@yorkmaine.org

Send all application information by December 13th, 2013.

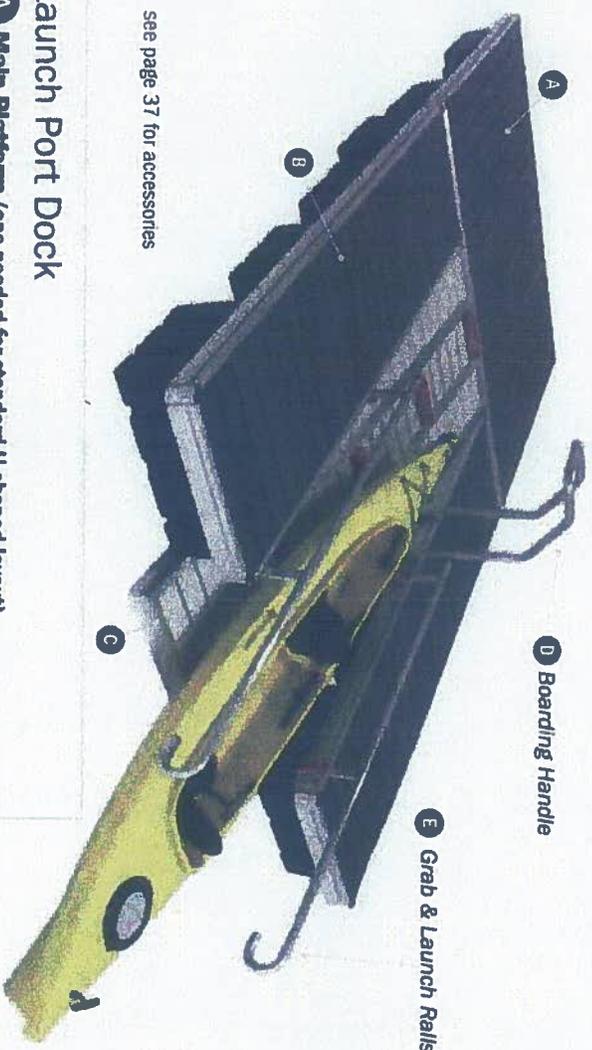
If by email, send all information to dan.stewart@maine.gov. When we receive email, you will receive a response of receipt within one week. If you do not receive a response, call Dan Stewart at 624-3252 as soon as possible.

If hardcopies are mailed, please send five completed application packages (including all attachments and all required documents) to:

MaineDOT
Attn: Dan Stewart
Bureau of Planning
16 State House Station
Child Street
Augusta, ME 04333-0016

Canoe/Kayak Launch Dock Systems

Commercial quality welded aluminum modular design offering multiple layout options for many shore conditions. Rollers and boarding handles, along with the low freeboard design provide ease when launching or boarding watercraft. Made with all stainless steel fasteners and marine grade components.



see page 37 for accessories

Launch Port Dock

A Main Platform (one needed for standard U-shaped layout)

Size	List Price	Cedar Decking Sale Price	Aluminum Decking Sale Price	Track Decking Sale Price
4' x 11'	\$1,529	\$1,399	\$1,589	\$1,733
6' x 11'	\$2,039	\$1,849	\$2,129	\$2,350
8' x 11'	\$2,479	\$2,249	\$2,619	\$2,918

B Dock Fingers (2) needed for standard U-shaped layout; price are per each
 3' x 12' \$1,199 \$1,359 \$1,473

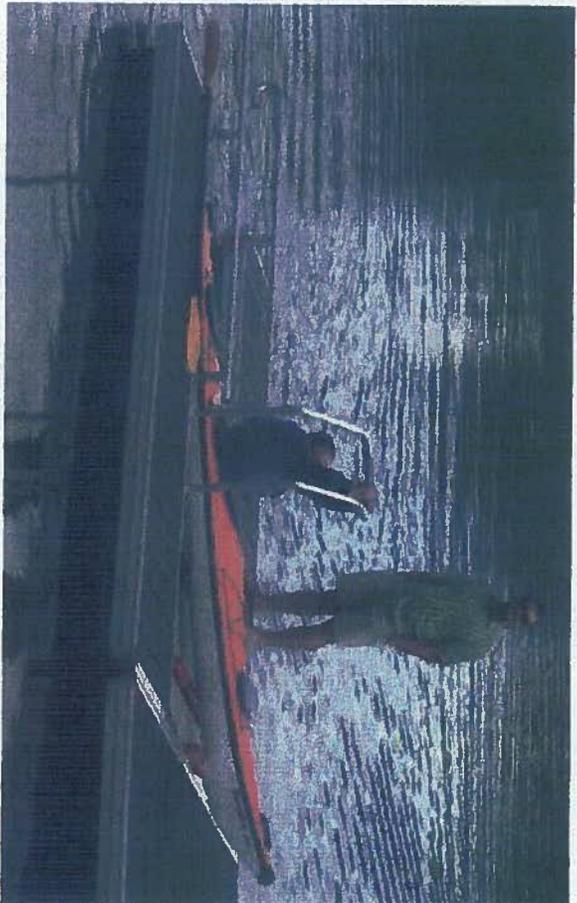
Dock Finger connecting kit: includes all necessary connecting hinges for the dock fingers and launch platform along with dampeners and dock to dock underwater support for the (2) dock fingers to mount to main platform. \$745

C Launch Port Platform*: 52" wide x 144" long (non-adjustable) launch port platform: \$1930

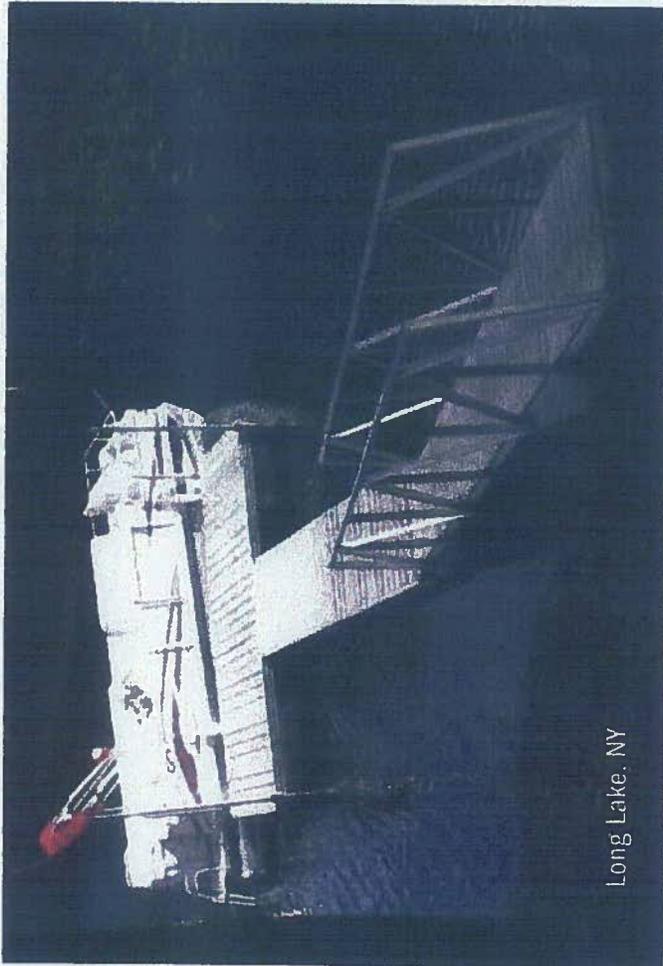
*(1) needed for complete launch system - see specifications on launch port platform on page 37

Launch Port Dock

- Floating launch system for canoes & kayaks
- Readily available with minimal time frames
- Universal track style aluminum frame with foam filled black polyethylene floats
- Access platform offers a non-skid walking surface with non-marring Stoltz rollers
- Can be used in conjunction with our stock floating docks
- Made in the USA

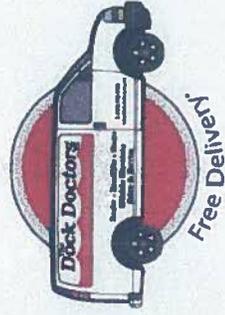


Heavy Duty Aluminum Gangways

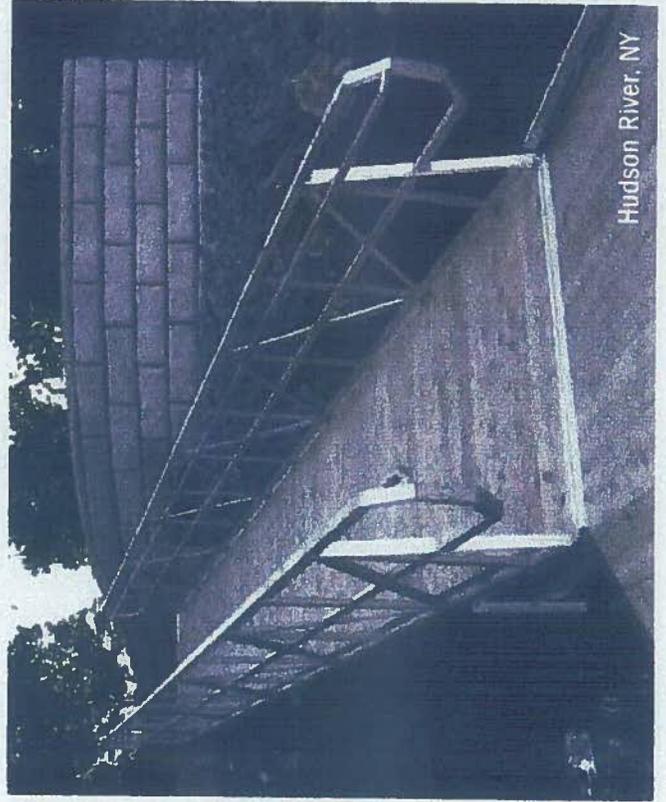


Long Lake, NY

- Stock & custom sizes & styles
- Handicap accessible options available
- Standard cedar decking or optional aluminum decking
- Designed to attach to our medium duty & heavy duty track style aluminum floating dock



Custom commercial handicap accessible gangway (below)



Hudson River, NY

3' x 24' residential gangway

Heavy Duty Aluminum Gangways

Size	List Price	Cedar Decking Sale Price*	Aluminum Decking Sale Price*	Weight
Residential (In stock)				
3' x 24' aluminum gangway	\$3,058	\$2,780	\$3,080	295 lbs
Commercial (readily available)				
3' x 24' aluminum gangway	\$3,729	\$3,390	\$3,690	400 lbs
4' x 18' aluminum gangway	\$4,158	n/a	\$3,780	470 lbs
4' x 24' aluminum gangway	\$5,379	n/a	\$4,890	610 lbs
4' x 30' aluminum gangway	\$6,479	n/a	\$5,890	760 lbs

Commercial quality gangways are readily available in any length and with other types of decking; please call for pricing

*Pricing for all gangways includes decking and handrails. Hinge connections and shore mounts sold separately.

*See page 46 for free delivery terms and conditions



OF

SHEET NUMBER

FISHERMAN'S WALK

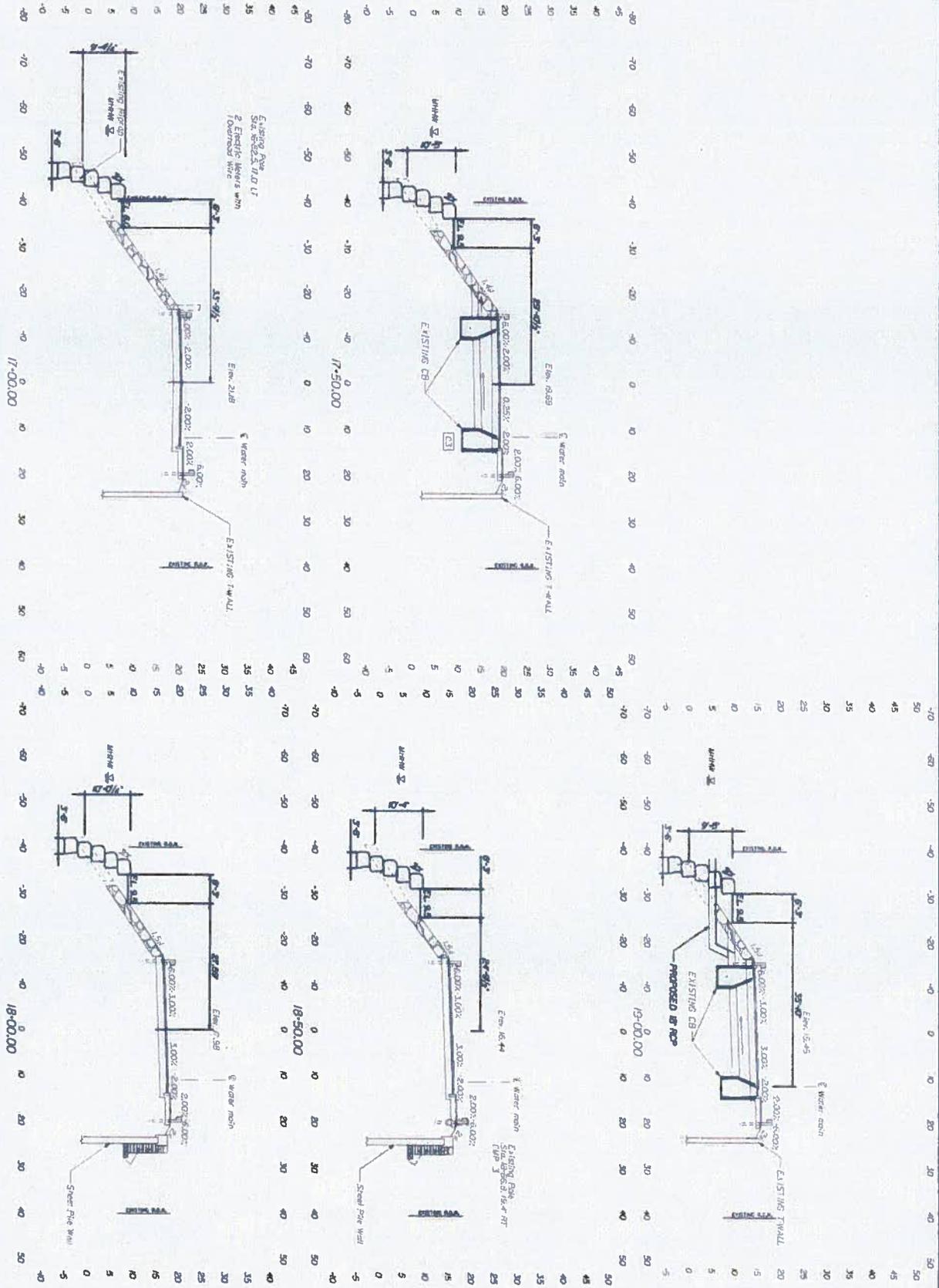
PLAN

PROJ. NUMBER	BY	DATE

SIGNATURE

P.B. NUMBER

DATE



OF -

SHEET NUMBER

TOWN OF YORK
YORK RIVER TRAIL
CROSS SECTIONS

PROJ. NUMBER	BY	DATE

SIGNATURE
P.E. NUMBER
DATE



Park Place Corporate Center
 316 US Route 1, Suite D
 York, ME 03909
 Tel.: (207) 363-0669
 Fax: (207) 363-0768

Job: YORK RIVER 10-0284
 Sheet: 1 Of 1
 Calculated By: JAD Date: Dec 2013
 Revised By: Date:
 Checked By: JLF Date: Dec 2014

Subject: Fisherman's Walk Float System, Landing & Access Pathway

ENGINEERS MASTER ITEM LIST - YORK RIVER TRAIL

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
203.25	GRANULAR BORROW	CY	160	\$ 30.00	\$4,800.00
304.20	GRAVEL	CY	40	\$ 22.00	\$880.00
525.90	STONE RETAINING WALL	SF	4500	\$ 40.00	\$180,000.00
620.58	NON-WOVEN GEOTEXTILE	SY	740	\$ 3.00	\$2,220.00
652.50	TRAFFIC CONTROL & CONSTRUCTION SIGNS	LS	1	\$ 3,000.00	\$3,000.00
656.75	TEMP. SOIL EROSION AND WATER POLL. CNTRL	LS	1	\$ 5,000.00	\$5,000.00
659.10	MOBILIZATION (10%)	LS	1	\$ 22,000.00	\$22,000.00
1000.03	DEWATERING	LS	1	\$ 5,000.00	\$5,000.00
1001.00	FLOAT SYSTEM	LS	1	\$ 20,000.00	\$20,000.00
2800.20	RELOCATING EXISTING DRAINAGE	LS	1	\$ 1,000.00	\$1,000.00
				TOTAL CONSTRUCTION COST	\$244,000.00
				Environmental Permitting	\$9,000.00
				Preliminary Engineering	\$17,000.00
				R.O.W.	\$0.00
				Construction Engineering	\$30,000.00
				TOTAL PROJECT COST	\$300,000.00



<i>MaineDOT use only</i>	
TEDOCS #:	_____
CT #:	_____
CSN:	_____
PROGRAM: Multimodal	

MAINE DEPARTMENT OF TRANSPORTATION
Small Harbor Improvement Program Agreement
 With the
Municipality of York
 Regarding
Public Access Improvements along the York River

Vendor Name: <u>Town of York</u>	Vendor Customer #: <u>VC1000097603</u>
Maximum State Contribution: <u>\$150,000.00</u>	Project WIN: <u>018534.28</u>
Project Type: <u>Locally Administered Project - SHIP</u>	Location: <u>York River, beside the Route 103 bridge</u>
Agreement Begin Date: _____	Agreement End Date: _____

This Agreement for a locally administered project is made between the Maine Department of Transportation, a Maine State Government agency headquartered at 24 Child Street in Augusta, Maine ("the **MaineDOT**"), and the Municipality of York, a municipal corporation and body politic with its primary offices located at 186 York Street in York, Maine ("the **Municipality**.")

WHEREAS, the **Municipality** was selected to receive financial support for the Project described herein through the Small Harbor Improvement Program (SHIP); and

WHEREAS, this Agreement establishes the requirements for the Project and sets forth the terms and conditions of the MaineDOT's funding to the **Municipality**.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto agree as follows:

ARTICLE 1. PROJECT OVERVIEW

- A. SCOPE OF WORK: Access improvements to the York River beside the Route 103 bridge, consisting of installation of a float system and landing area for small watercraft and a 300-foot bulkhead, to be performed by or for the **Municipality** and accepted by MaineDOT ("the **Project**.") Any change to this scope of work shall require MaineDOT's approval to be eligible for funding from **MaineDOT**.
- B. FUNDING. The estimated cost of the Project is Three Hundred Thousand Dollars (\$300,000) to be shared at the rates in Article 3. Project costs eligible for MaineDOT's financial participation shall not exceed this amount approval from **MaineDOT**.
- C. ROLE OF MUNICIPALITY. The **Municipality** shall take the lead in developing the Project and assign a qualified person to be responsible for the Project. This Local Project Administrator shall monitor all work performed under this Agreement and follow the procedures in the latest version of MaineDOT's *Local Project Administration Manual*.
- D. ROLE OF MAINE DOT. **MaineDOT** will assign a Project Manager to oversee the State's responsibilities and serve as MaineDOT's liaison with the **Municipality**. This person or his/her designee will have the authority to approve or deny reimbursement requests; review and require revision of plans and specifications; inspect, reject and stop work; and take all other action necessary to ensure proper performance of this Agreement.

ARTICLE 2. PROJECT DEVELOPMENT

- A. **PROJECT KICKOFF.** Upon receiving Authorization to Proceed from **MaineDOT**, the Local Project Administrator shall review with MaineDOT's Project Manager the scope of work, budget, schedule and state requirements. If requested, the **Municipality** shall provide an updated budget and schedule within a reasonable amount of time after the Project kickoff.
- B. **PROGRESS REPORTS.** The **Municipality** shall provide MaineDOT Project Manager with *monthly* progress reports for the duration of the Project.
- C. **CONSULTANT WORK.** The **Municipality** may contract for engineering services under this Agreement as necessary to develop the Project, provided that the **Municipality** uses qualifications-based selection and adheres to applicable sections of MaineDOT's *Consultant General Conditions*. No contract shall be awarded without the approval of **MaineDOT**.
- D. **DESIGN.** The **Municipality** or its consultant shall prepare all design plans, specifications, estimates and construction contract documents for the Project – in accordance with MaineDOT's standards and procedures. The **Municipality** shall submit all such design plans, specifications, estimates and contract documents to MaineDOT for review and approval before requesting authorization to advertise for construction bids for the Project.
- E. **PUBLIC PARTICIPATION.** The **Municipality** shall provide for public participation in the development of the Project and shall document for MaineDOT the process used.
- F. **PERMITS.** The **Municipality** shall obtain all approvals, permits and licenses necessary to construct the Project. If a federal permit is required, the **Municipality** shall notify MaineDOT to request signoff from the Maine Historic Preservation Commission with supporting documentation, as needed, from the Municipality.
- G. **UTILITIES.** If applicable, the **Municipality** shall be responsible for coordinating all matters regarding utilities, in accordance with MaineDOT's *Utility Accommodation Policy*.
- H. **RIGHT OF WAY.** All public land under the ownership and control of the parties hereto shall be made available for the Project without cost. Additionally, the **Municipality** shall acquire and furnish any private right-of-way needed to construct and maintain the Project. The **Municipality** shall certify in writing to MaineDOT that all such additional right-of-way has been acquired in accordance with Maine law and applicable policies used by MaineDOT for property acquisition.
- I. **ADVERTISE AND AWARD.** Upon approval by MaineDOT, the **Municipality** shall advertise for competitive bids and award a construction contract in accordance with the Project plans and specifications approved by MaineDOT, as follows:
1. The **Municipality** shall follow MaineDOT's procurement policy and procedures, unless MaineDOT otherwise approves in writing.
 2. The **Municipality** and MaineDOT may accept or reject any and all bids.
 3. The **Municipality** shall not award a contract without the approval of **MaineDOT**.
 4. Any construction contract shall specify that the work comply with the latest edition of MaineDOT's *Standard Specifications* (December 2002) and applicable special provisions.

5. After a contract is awarded, the **Municipality** shall hold a preconstruction meeting to coordinate the construction work with MaineDOT's Project Manager, the contractor, and any utilities and other parties involved in such construction.
- J. **FORCE ACCOUNT.** If the **Municipality** intends to seek reimbursement from **MaineDOT** for work performed with its municipal work force or materials furnished for the Project, the **Municipality** shall obtain **MaineDOT's** authorization to do so before starting work. If so authorized, the Municipality shall follow Sections K.1 through K.4 below.
- K. **CONSTRUCTION.** The **Municipality** shall administer a construction contract and provide the supervision, inspection and documentation necessary to ensure that the Project is completed to **MaineDOT's** satisfaction in accordance with the plans, specifications and provisions of the contract, as follows:
1. The Local Project Administrator or qualified designee shall be responsible for the Project, at all times.
 2. The **Municipality** shall use procedures acceptable to **MaineDOT** to document the quantity and quality of all work performed under this Agreement. All documentation, including source documents used as the basis of payment for such work, shall be part of the Project record and retained as provided under Article 5.A.
 3. The **Municipality** shall provide for all materials testing required for the Project.
 4. Upon completion, the **Municipality** shall certify that the Project was constructed, quantities were measured and documented, and materials were tested in accordance with the plans, specifications and provisions of the construction contract, and in accordance with the policies and procedures approved by **MaineDOT**.
- L. **INSPECTION.** **MaineDOT** may inspect construction activities and related documentation – and may test any materials used – to ensure compliance with the provisions and specifications of the construction contract. Furthermore:
1. **MaineDOT** may reject any work or materials not in such compliance;
 2. **MaineDOT** will inspect the completed Project to determine the acceptability of the work before paying any final claim for reimbursement; and
 3. **MaineDOT** reserves the right not to reimburse the **Municipality** for any work or materials not in compliance with the project specifications and provisions of the construction contract.
- M. **MAINTENANCE.** The **Municipality** shall operate and maintain the completed facility for its intended public purpose for **twenty (20)** years or its useful design life, whichever is longer. Maintenance shall consist of general upkeep and repairs necessitated by weather, age and public use – with the exception of the destruction of the facility caused by an Act of God.

ARTICLE 3. FINANCIAL PROVISIONS

- A. **MAINEDOT SHARE.** **MaineDOT** will reimburse the **Municipality** for Fifty Percent (50%) of all Project costs deemed eligible for **MaineDOT's** financial participation, not to exceed One Hundred Fifty Thousand Dollars (\$150,000.) *MaineDOT will be unable to make reimbursement toward the Project until the State of Maine sells bonds previously approved by Maine voters.*

- B. **AUTHORIZATION.** The **Municipality** shall receive Authorization to Proceed from **MaineDOT** before making any expenditure eligible for reimbursement from **MaineDOT**. Costs incurred before the date of such Authorization shall be ineligible for funding from **MaineDOT**; such costs shall not be credited toward the local match.
- C. **LOCAL SHARE.** The **Municipality** shall be responsible for Fifty Percent (50%) of Project expenditures deemed eligible for **MaineDOT**'s financial participation, or an estimated One Hundred Fifty Thousand Dollars (\$150,000.) Additionally:
1. The **Municipality** shall be fully responsible for all costs deemed ineligible for reimbursement and all costs exceeding the maximum reimbursement under Article 3.A, unless otherwise approved in writing by **MaineDOT**.
- D. **REIMBURSEMENT.** **MaineDOT** will reimburse the **Municipality** for the State's portion of eligible Project costs, as described in Article 3.A. The **Municipality** shall bill **MaineDOT** no more frequently than monthly for such costs, incurred when work is performed, goods and services are received, or a cash payment is made. Invoices will be subject to these conditions:
1. Claims shall be submitted on the **Municipality's** billhead and reference WIN 018534.28.
 2. No claim for reimbursement will be approved for payment before May 1, 2014.
 3. Each invoice must be accompanied by a progress report, as described in Article 2.B.
 4. Each invoice shall contain an itemized account of expenditures consistent with the approved Project budget. Backup documentation and proof of payment made must accompany each invoice.
 5. Each invoice must have an accumulative total and a breakdown of **MaineDOT's** and the **Municipality's** shares of total costs.
 6. Each claim shall include a certification from the **Municipality's** Local Project Administrator that all amounts claimed are correct, due and not claimed previously, and that all applicable work was performed in accordance with the terms of this Agreement.
 7. Any claim for less than one thousand dollars (\$1,000) shall be deferred until the next regular billing period in which at least one thousand dollars (\$1,000) is incurred or until a final invoice is submitted for reimbursement.
- E. **REPAYMENT.** **MaineDOT** reserves the right to require repayment of reimbursements made if the **Municipality** takes any action without approval from **MaineDOT** resulting in the loss of eligibility for State funding – including but not limited to withdrawing from the Project, suspending or delaying work, or making acts of commission or omission. Furthermore:
1. **MaineDOT** shall have all of its rights of Set-Off to recover any payment to the **Municipality** for any activity that is subsequently deemed ineligible for State funding, including but not limited to withholding any money owed to the **Municipality** under this Agreement and any other agreement with **MaineDOT** or other State agency.

ARTICLE 4. NON-APPROPRIATION

- A. Notwithstanding any other provision of this Agreement, **MaineDOT** shall be released from its obligation to make payment toward the Project – and will terminate this Agreement with a thirty (30) day notice to the **Municipality** – if any of the following occurs:
1. MaineDOT does not receive adequate funds to support this Project; or
 2. Funds otherwise programmed for this Project are de-appropriated; or
 3. MaineDOT does not receive the authority to expend funds programmed for this Project.

ARTICLE 5. RECORDS, ACCESS & AUDIT

- A. Retention. Records are plans, reports, notes, papers or other tangible work arising from this Agreement. All such printed and electronic records prepared by or for the **Municipality** shall be retained for **four (4) years** from the date of MaineDOT's acceptance of the Municipality's final claim for reimbursement, except as otherwise provided below:
1. If any litigation, claim, negotiation, audit or other action involving such records has begun before the expiration of the four (4) year period, then all records shall be retained at least until all action and resolution of all issues arising from it are complete.
 2. All Project records shall be turned over to **MaineDOT** upon request following completion or termination of the Project.
- B. Access. The **Municipality** and any consultant or contractor working on its behalf shall allow authorized representatives of the State of Maine to inspect and audit Project documents. Copies of requested documents shall be furnished at no cost.
- C. Audit. Audits shall meet the "Generally Accepted Government Auditing Standards."

ARTICLE 6: GENERAL PROVISIONS

- A. Independent Capacity. The **Municipality**, its employees, agents, representatives, consultants or contractors *shall not* act as officers, employees or agents of MaineDOT.
- B. Indemnification. To the extent permitted by law, the **Municipality** shall indemnify, defend and hold harmless **MaineDOT**, its officers, agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Municipality, its officials, employees, agents, consultants and contractors. Nothing herein shall waive any defense, immunity or limitation of liability available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et. seq.) or any other privileges or immunities provided by law. *This provision shall survive any termination or expiration of this Agreement.*
- C. Confidentiality. Information pertaining to right-of-way negotiations, property appraisals and engineering estimates of construction costs shall be kept confidential in accordance with State of Maine law (23 MRSA, Section 63.)
- D. Compliance. The **Municipality** shall assure that all work undertaken pursuant to this Agreement meets applicable state and local laws and regulations.

- E. **Equal Employment Opportunity.** The **Municipality** shall meet applicable equal employment opportunity requirements as follows:
1. The **Municipality** shall not discriminate against any employee or applicant for employment *relating specifically to work under this Agreement* because of race, color, religious creed, sex, national origin, ancestry, age or physical handicap unless related to a bona fide occupational qualification. The **Municipality** shall take affirmative action to ensure that all such applicants are employed and that all such employees are treated regardless of their race, color, religious creed, sex, national origin, ancestry, age or physical handicap during any period of employment under this Agreement. Such action shall include, but not be limited to: employment, upgrading, demotions, transfers, recruitment, layoffs or terminations, rates of pay or other forms of compensation and selection for all forms of training and apprenticeships. The **Municipality** shall post prominently in places readily available to all employees and applicants for such employment under this Agreement notices setting forth the provisions of this paragraph.
 2. In all solicitations or advertising for employees relating to work done under this Agreement, the **Municipality** shall state that all qualified applicants shall receive consideration for employment regardless of race, color, religious creed, sex, national origin, ancestry, age or physical handicap.
 3. The **Municipality** shall send to each representative of any of its employees covered by a collective-bargaining agreement – or any other contract or understanding under which labor or services are to be furnished under this Agreement – a notice advising of the **Municipality's** commitment under this Article and shall post copies prominently in places readily available to all such employees and applicants for employment.
 4. The **Municipality** shall include all of the foregoing equal employment opportunity provisions under this Article in any contract for services or work for the Project so that such provisions are binding upon each consultant – with the exception of any contract for the purchase of standard commercial supplies or raw materials. To the maximum extent feasible, the **Municipality** or any of its consultants shall list all suitable employment openings with the Maine Job Service. *This provision shall not apply to employment openings that the Municipality or any of its consultants propose to fill from within their own organization.*
- F. **Flow Down.** All contracts between the Municipality and any consultant, contractor or other third party shall contain or incorporate by reference all applicable provisions of this Agreement.
- G. **No Assignment Without Approval.** The **Municipality** shall not assign this Agreement to a third party or otherwise dispose of this Agreement without MaineDOT's written consent. In no case shall any such action release the **Municipality** from liability under this Agreement.

ARTICLE 7. TERMINATION AND DEFAULT

- A. This Agreement may be terminated by mutual consent of the Parties hereto. Additionally, the **MaineDOT** reserves the right to terminate the payment provisions of this Agreement in the event of default by the **Municipality**, which is defined as any of the following:
1. Failure to complete the approved Scope of Work in Article 1.A by **June 30, 2015**;

2. Use of Project funds for a purpose other than what is authorized by this Agreement;
 3. Misrepresentation or falsification of any claim submitted for reimbursement;
 4. Failure to monitor adequately the quality of materials used and work performed by any consultant or contractor, resulting in significant errors, omissions or negligence;
 5. Breach of any material provisions of this Agreement.
- B. **MaineDOT** will notify the Municipality within **five (5) days** of learning of an event resulting in a claim of default. If the **Municipality** fails to take corrective action within fifteen (15) days of receiving such a notice of default, **MaineDOT** may terminate this Agreement upon written notice to the Municipality.
1. Upon receiving written notice of termination, the **Municipality** and all consultants and contractors associated with the Project shall cease work immediately – except for any work required to protect public health and safety – and turn over to **MaineDOT** all Project records and documentation within thirty (30) days of the effective date of such termination.
 2. In the event of termination for default by the Municipality, the **Municipality's** reimbursement shall be limited to payment for acceptable work or service accomplished under this Agreement until the effective date of such termination.
 3. If default occurs, **MaineDOT** reserves the right to recover from the **Municipality** all funds reimbursed for Project-related work, in accordance with Article 3.D. The **Municipality** shall forfeit all funds from MaineDOT remaining in the Project.

ARTICLE 8. EXPIRATION

- A. All provisions of this Agreement – except for Article 2.M (maintenance), Article 5.A (records), Article 6.B (indemnification) and Article 6.C (confidentiality) – shall expire upon satisfactory completion of the terms of this Agreement or **three (3) years** from the final day of the month in which the undersigned MaineDOT representative executed this Agreement, whichever occurs first, unless otherwise modified in writing by the **Municipality** and **MaineDOT**.
- B. The provisions of Article 6.B and Article 6.C shall remain in full effect until terminated in writing by the Parties hereto or negated by law.

ARTICLE 9. DEBARMENT

- A. Debarment. By signing this Agreement, the **Municipality** certifies – to the best of its knowledge and belief – that it and its officers, employees, agents or representatives associated with the Project:
1. Are not now debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any State department or agency;
 2. Have not within a 3-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, State or local) transaction or contract under a public transaction; violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. Are not now indicted for or otherwise criminally or civilly charged by a governmental entity (federal, State or local) with commission of any of the offenses enumerated in paragraph 2 of this certification; and
 4. Have not within a 3-year period preceding this application/agreement had one or more public transactions (federal, state or local) terminated for cause or default.
- B. Where the **Municipality** is unable to certify to any of the statements in this certification, the Municipality shall attach an explanation to this Agreement.
- C. The **Municipality** agrees that it will not hire a consultant or contractor who is now debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal or state agency.

ARTICLE 10. AGREEMENT APPROVAL

The undersigned municipal representative assures that the **Municipality's** legislative body has approved the Project and the Municipality's entry into this Agreement, has appropriated or authorized the use of any necessary funds, and has further authorized the representative to sign this Agreement.

IN WITNESS WHEREOF, the **Municipality** and **MaineDOT** have executed this Agreement effective on the date last signed.

Municipality of York

Maine Department of Transportation

By: _____
Robert G. Yandow, Town Manager

By: _____
William A. Pulver, P.E., Director
 Bureau of Project Development

Date: _____

Date: _____

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under my sole control.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 6, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: Hodgin Parking Lot	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION:
PROPOSED MOTION:

Discussion: The Board of Selectmen has had a number of discussions regarding the possible purchase of the Hodgin parking lot located at 190 York Street. During the most recent discussion it was requested that staff develop a sketch of a driveway/entryway into the lot from the access road behind town hall also known as Parish Lane. Attached you will find a sketch design prepared by Dean Lessard and Brett Horr. Based on the sketch design, the estimate to construct the driveway/entryway is \$5,000-\$10,000.

Robert Palmer, owner of the adjacent parking lot, has indicated he will provide an easement across the corner of his lot to facilitate the driveway providing it does not encroach on his parking lot and affect the number of available parking spaces. The Town will also need an easement from the First Parish Church for the driveway.

The Board of Selectmen will need to decide if the purchase of the Hodgin parking lot will remain in the FY15 Capital Plan and, if so, at what price. If the purchase of the parking lot does remain in the Capital Plan, there will need to be two additional warrant articles; one for the easement from Robert Palmer and one for the easement from the First Parish Church.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By:

Robert H. Gannon

Reviewed By: _____

Hodgin Parking Lot

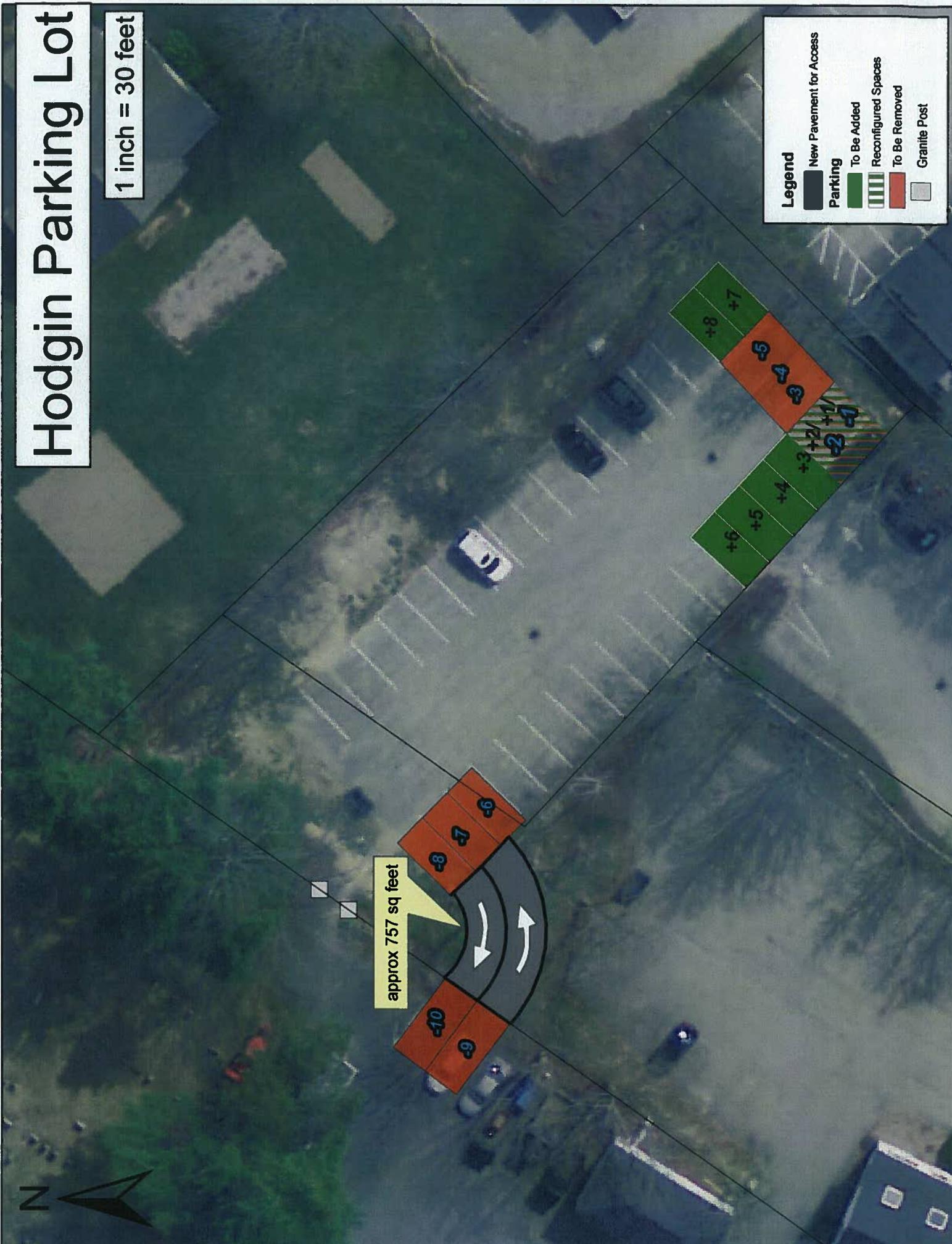
1 inch = 30 feet



approx 757 sq feet

Legend

- New Pavement for Access
- Parking
- To Be Added
- Reconfigured Spaces
- To Be Removed
- Granite Post



**Proposed FY15 - FY19
Capital Plan**

PROJECT FUNDING COSTS					
DESCRIPTION	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Major Drainage					
York Beach Traffic Improvements					
Long Sands Bathhouse					
Senior/Community Center			3,500,000		
Substations/Ponds					1,000,000
Road Reconstruction	400,000	500,000	500,000	500,000	500,000
Other Open Space	5,500,000				
Alternate Energy Solutions and Energy Conservation	100,000	100,000		100,000	
Heavy Plow Truck	153,000	159,000	165,000	170,000	175,000
Town Hall Expansion		TBD			
Auditorium		5,500,000			
School Paving	100,000				
Generator at YMS					
YHS Field House			500,000		
VES Roof	630,000				
CRES Roof					
School Network Hardware		150,000			
HS Aged HVAC Equipment Replacement					
VES Aged HVAC Equipment Replacement					
MS Boiler Plant					
Replace VES Water Main	110,000				
School Telephone System					
Hodgin Parking Lot	325,000				
Land Use Study for Davis Property					
Design/Cost Analysis for Aud/PAC	80,000				
Channel 3 Broadcast Upgrade	46,000				
Fiber Optic Wide Area Network		275,000			
Storage Building for Town Records	105,000				
Financial Software			200,000		
Mount A Trail Phase 1	61,000				
York Middle School Roof					212,000
Roadside Mower	125,000				
Totals	\$ 7,735,000	\$ 6,684,000	\$ 4,865,000	\$ 770,000	\$ 1,887,000

Proposed FY15 - FY19

Capital Plan

W/O DAVIS Property

PROJECT FUNDING COSTS					
DESCRIPTION	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Major Drainage					
York Beach Traffic Improvements					
Long Sands Bathhouse					
Senior/Community Center			3,500,000		
Substations/Ponds					1,000,000
Road Reconstruction	400,000	500,000	500,000	500,000	500,000
Other Open Space					
Alternate Energy Solutions and Energy Conservation	100,000	100,000		100,000	
Heavy Plow Truck	153,000	159,000	165,000	170,000	175,000
Town Hall Expansion		TBD			
Auditorium		5,500,000			
School Paving	100,000				
Generator at YMS					
YHS Field House			500,000		
VES Roof	630,000				
CRES Roof					
School Network Hardware		150,000			
HS Aged HVAC Equipment Replacement					
VES Aged HVAC Equipment Replacement					
MS Boiler Plant					
Replace VES Water Main	110,000				
School Telephone System					
Hodgin Parking Lot	325,000				
Land Use Study for Davis Property					
Design/Cost Analysis for Aud/PAC	80,000				
Channel 3 Broadcast Upgrade	46,000				
Fiber Optic Wide Area Network		275,000			
Storage Building for Town Records	105,000				
Financial Software			200,000		
Mount A Trail Phase 1	61,000				
York Middle School Roof					212,000
Roadside Mower	125,000				
Totals	\$ 2,235,000	\$ 6,684,000	\$ 4,865,000	\$ 770,000	\$ 1,887,000

BERNSTEIN SHUR

COUNSELORS AT LAW

207-774-1200 main
207-774-1127 facsimile
bernsteinsbur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Ronald N. Nowell
Chairman, Board of Selectmen
Town of York
186 York St.
York, ME 03909-1314

Re: Engagement letter

Dear Chairman Nowell:

Thank you for selecting our firm to assist you. The purpose of this letter is to set forth our agreement regarding our firm's agreement to provide legal services to you. Please read this letter carefully. If you have any questions or concerns, please call me.

Scope of Representation, Parties Represented and Conflicts of Interest

As we discussed, we have been engaged to represent the Town of York (hereafter referred to as the "Town" or "you") as Town Attorney, pursuant to the Town's Request Proposal for Legal Services.

Before beginning our representation, we conducted a computerized name check against our client records in order to determine whether a disqualifying conflict of interest exists between our representation of you and our representation of any other clients. In the event that a conflict arises, we will attempt to resolve such conflicts, if possible and as permitted by the Maine Rules of Professional Responsibility, by making any necessary disclosures and seeking any needed consents from you and any other affected client. In the event that we are unable to obtain such consent, or that we conclude that we should not undertake to continue the representation in light of the conflict, you agree that we may terminate this representation.

Fees and Expenses

We have agreed to represent you on an hourly basis. That means that you will be billed for our services on a fixed hourly charge. As set forth in our response to the Request for Proposals, Mary Costigan's current billing rate is \$205 per hour. Matt Tarasevich's current billing rate is \$205 per hour for general matters and \$225 for labor work. In addition, we may be assisted by one of our other attorneys or paralegals. If we use the services of those other attorneys or paraprofessionals you will be billed at their

prevailing rates. Professional rates for the firm are generally adjusted annually on January 1 of each year.

You will also be billed for certain of the firm's expenses including but not limited to express mail postage, courier delivery, legal research, out of town travel and third party expenses incurred on your behalf. In a litigation matter the expenses will also include charges and fees for witnesses, experts, investigators and consultants, depositions costs and transcripts, outside photocopying services, filing fees, and preparation of exhibits and visual aids. These expenses will be your responsibility. We will forward the bill to you for payment directly to the service provider or vendor.

We will bill you monthly detailing the time and expenses incurred in your matter. Payment is due within 30 days of your receipt of our bill. We reserve the right to charge a late fee of 1 ½% per month for all fees and expenses advanced by the law firm which are not paid within thirty days of the billing date. We will notify you if your account becomes delinquent. If the delinquency continues and you do not make satisfactory arrangements for payment, you agree that we may withdraw from representation. You also agree to pay the costs we incur in collecting the debt, including court costs, filing fees and reasonable attorneys' fees.

Standard Terms of Engagement

In addition to the foregoing, I have attached our Standard Terms of Engagement. That attachment spells out the general terms of our engagement for you and will apply unless specifically modified by something in this letter.

Future or Additional Engagements and Termination

If you later entrust additional matters or cases to us we will not send you this or a similar letter each time, unless the circumstances warrant it, or you expressly indicate that you wish to receive a new engagement letter each time. Rather, we will consider that your agreement to these terms for this engagement will apply to all future engagements.

Unless Bernstein Shur is engaged to provide additional legal services to you, or we otherwise notify you in writing, our lawyer-client relationship will terminate upon the passage of twelve months without our performing any legal services for you. If you later engage us to perform further or additional services, the lawyer-client relationship will be reestablished, subject to the terms on which we may agree at that time. The fact that we might inform you from time to time of developments in the law which might be of interest to you, by newsletter or otherwise, will not reestablish a lawyer-client relationship that has terminated. In this regard, we assume no obligation to inform you of any developments in the law unless we have been specifically engaged in writing to do so.

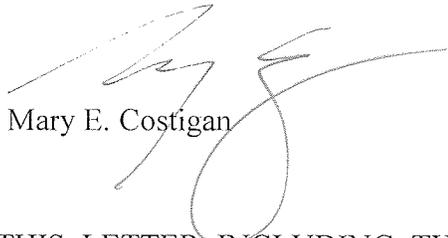
7 6

Either party may terminate this agreement at any time, subject to any rules of a court or an administrative agency. In the event we are representing you in a matter pending before a tribunal, you agree to promptly retain new counsel in that matter.

In order to avoid any future misunderstanding we ask that you please sign a copy of this letter in the place indicated below indicating your agreement to these terms and return it to us. If you have questions or concerns before signing, please call me. In the event that you do not send back a signed copy, you will be deemed to have accepted these terms if you give us instructions to continue work on this matter after you have received this letter.

We appreciate the opportunity to be of assistance to you and we look forward to working with you.

Sincerely,



Mary E. Costigan

I AGREE TO THE TERMS OF THIS LETTER INCLUDING THE ATTACHED STANDARD TERMS OF ENGAGEMENT

Ronald N. Nowell
Chairman, Board of Selectmen

Date: _____

STANDARD TERMS OF ENGAGEMENT FOR LEGAL SERVICES

(MAINE)

This statement sets forth the standard terms of our engagement as your lawyers. Unless modified in writing by mutual agreement, these terms will be an integral part of our agreement with you. Therefore, we ask that you review this statement carefully and contact us promptly if you have any questions. We suggest that you retain this statement in your file.

The Scope of Our Work

Any expressions on our part concerning the outcome of your legal matters are expressions of our best professional judgment, but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed.

The person or entity that we represent is the person or entity that is identified as the client in our engagement letter and, unless otherwise agreed to, does not include any officers, directors, employees or affiliates of such person or entity (e.g., if you are a corporation, partnership or limited liability company, any parents, subsidiaries, employees, officers, directors, managers, shareholders, members or partners of the corporation or partnership, or commonly owned corporations or partnerships are not considered to be clients, unless otherwise expressly agreed to or unless those persons or entities are or have been our clients on other matters). For conflict of interest purposes, we may represent another client with interests adverse to any such affiliate without obtaining your consent.

How Our Fees Will Be Set

Except where we have otherwise agreed, such as where we have a flat or minimum fee or a contingency fee arrangement, we bill on an hourly fee basis for our services. We will keep records of the time we devote to your work, including but not limited to conferences, negotiations, factual and legal research and analysis, document preparation and revision, travel on your behalf, and other related matters. We record our time in units of tenths of an hour. The hourly rates of our lawyers and legal assistants have an important bearing on the fees we charge. These rates are generally adjusted annually and attorneys may have different hourly rates for different types of matters reflecting market factors or their level of expertise.

We are often requested to estimate the amount of fees and costs likely to be incurred in connection with a particular matter. Whenever possible, we will furnish

such an estimate based upon our professional judgment, but absent agreement, such estimates are not a maximum or fixed-fee quotation. The ultimate cost frequently is more or less than the amount estimated. For certain well-defined services (such as, a simple business incorporation), we may quote a flat fee. In undertaking representation of a client with a personal injury or in specialized business transactions, we will, in appropriate circumstances, provide legal services on a contingent fee basis. Any such contingent fee arrangement must be reflected in a signed, written contingent fee agreement between us.

Disbursements

We will usually charge clients for ancillary services provided including but not limited to such services as messenger deliveries, expedited delivery services, and travel expenses. While our charges for these services are measured by use, they do not always reflect our actual out-of-pocket costs. For many of these items, the true cost of providing the service is difficult to establish. We would be pleased to discuss the specific schedule of charges for these additional services with you and to answer any questions that you may have. If you would prefer, in some situations we can arrange for these ancillary services to be provided by third-parties with direct billing to you.

To keep costs down, we require that payment of third-party charges, including costs for depositions, expert witnesses, appraisals and similar costs be paid by the client directly to the vendor or services or that arrangement be made in advance for payment by the client when engaged by us on your behalf.

IOLTA Account

If you have made an advance deposit with the firm to cover fees or expenses, that payment may, depending on the amount, be deposited in the firm's account, an IOLTA account as described below, or a separate segregated account. If we think it is likely that the advance will be applied to legal services in the next month or two after it is received, the advance fee will go in the firm's account. If the advance fee is larger than that, and if it is not expected to earn a net return to you, taking into consideration the size and anticipated duration of the deposit and the costs of establishing a separate account, then we will place it in a pooled account known as an Interest on Lawyers Trust Account or "IOLTA" account. The IOLTA account is created by order of the Maine courts. By court rule, interest earned on the IOLTA account is payable to a charitable foundation established in accordance with the court's rule and used to fund legal service for the poor. Very large advance fee payments that are likely to earn a return will be placed by us in a segregated account for your benefit. Interest earned on any segregated trust account will be added to the deposit for your benefit and will be includable in your taxable income.

Communication by E-mail

E-mail communication has proven to be a great benefit to most clients and we ordinarily communicate by unencrypted e-mail. However, we recognize that it is technologically possible to intercept unencrypted e-mail and that there is no guarantee

that unencrypted e-mail will remain private. Although we routinely communicate with many clients using unencrypted e-mail, we do not do so if the client has any concerns or instructs us not to do so. Therefore, we ask that you consider this issue carefully and advise us promptly if you wish to communicate by encrypted e-mail.

We also caution you to use care in the choice of the computer you use to communicate with us. If you use a computer at your work or home that is networked with other computers, there is always the risk that email in your computer may be able to be read by third parties. Some employers have policies which expressly provide them a right of access to your workplace computer. We will assume that you have considered this when you supply an email address to us and that you have determined that your computer is secure. However, if you have any concerns about this please discuss it with us.

Termination/Withdrawal

Either party may terminate our representation at any time, with or without cause. If such termination occurs, papers and property that you have provided to us will be returned to you. Our own files pertaining to the case will be retained, subject to your rights of access under applicable bar rules. Your termination of our services will not affect your responsibility for payment of legal services rendered and additional charges incurred before termination and in connection with an orderly transition of the matter.

We are subject to the codes of professional responsibility for the jurisdictions in which we practice, which list several types of conduct or circumstances that require or allow us to withdraw from representing a client, including for example: nonpayment of fees or costs, misrepresentation or failure to disclose material facts, action contrary to our advice, and conflict of interest with another client. We try to identify in advance and discuss with our client any situation that may lead to our withdrawal and if withdrawal ever becomes necessary we give the client written notice of our withdrawal.

File Retention of Completed Matters

When we complete a matter, it is our practice, at your option, to either return the file to you or to retain the closed file in our offsite storage facility for eight (8) years. At the time the file is sent to storage, all original documents in the file that belong to you such as your business or personal records, signed originals of contracts or transactional documents will be returned to you. You will be notified that the file is being closed and will be asked to tell us whether you wish to have the file returned immediately or stored and then either destroyed or returned to you at the end of the storage period. If you ask us to return the file, you will also be asked to keep us informed of any changes in your address so that we can be in touch with you when the storage period comes to an end. You will also be responsible for paying the cost of returning the file to you. In the event you elect to have us store the file for eight years, we may scan and store the file on electronic media and destroy our original file.

Arbitration

If you disagree with the amount of our fee, please take up the question with your principal attorney contact or with the firm's managing partner. Typically, such disagreements are resolved to the satisfaction of both sides with little inconvenience or formality. In the event of a fee dispute that is not readily resolved, you shall have the right to submit the fee dispute to arbitration under the Maine Code of Professional Responsibility. Any fee dispute that you do not submit to arbitration under the Maine Code of Professional Responsibility, and any other dispute that arises out of or relates to this agreement or the services provided by the law firm shall also, at the election of either party, be subject to binding arbitration. Either party may request such arbitration by sending a written demand for arbitration to the other. If a demand for arbitration is made, you and the firm shall attempt to agree on a single arbitrator. If no agreement can be reached within 30 days of the receipt of the demand, the party demanding arbitration may designate an arbitrator by sending a written notice to the other party. Within two weeks of that initial designation, the other party shall designate an arbitrator in writing. Thereafter, those two designated arbitrators shall meet promptly to select a third arbitrator. The arbitrators shall conduct the arbitration proceedings according to the procedures under the commercial arbitration rules of the American Arbitration Association and shall hold the arbitration hearing in Maine. The arbitrators shall be bound by and follow applicable Maine substantive rules of law as if the matter were tried in court. Either party shall have the right to appeal a decision of the arbitrators on the grounds that the arbitrators failed to properly apply applicable law.

In the event that a dispute between us ends up in court, both parties agree that it shall be tried exclusively in a court in Maine.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 6, 2013	Type of Action: <input type="checkbox"/> Procedural <input type="checkbox"/> Formal Action <input checked="" type="checkbox"/> Other: _____
Date Action Requested: February 10, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Discussion of Commencing Town Manager Search	

TO: BOARD OF SELECTMEN
FROM: Liam Gallagher, Director of Human Resources
RECOMMENDATION: Discussion and Possible Action on commencing Town Manager search.
PROPOSED MOTION: Discuss commencing search process for new Town Manager.

Discussion: The Board of Selectman will discuss commencing the search for a new Town Manager and possible authorization of formal RFPs from regional firms and agencies that provide executive searches.

FISCAL IMPACT: TBD
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: _____

Reviewed By: Robert B. Gannon



Town of York

186 York Street
York, Maine 03909-1314

Liam Gallagher, PHR
Director of Human Resources

P: (207) 363-1000 ext. 232
F: (207) 363-1019
lgallagher@yorkmaine.org

To: Board of Selectman
From: Liam Gallagher, Director of Human Resources
Subj: Town Manager Search Process
Date: January 31, 2014

With Mr. Yandow providing his intent to retire, effective October 3, 2014, it is requested the Board commence discussion on the search for a new Town Manager.

The search process can be either administered internally, by the Board of Selectman with support from the Human Resources Director, or externally, by a qualified search firm. In an informal survey of southern Maine municipalities who have recently begun or completed executive searches all reported to have used a third party search firm to conduct the process.

Should the board wish to contract with a third party to conduct the search process we first need to determine the selection process for such a firm; for example, does the Board wish to require a formal RFP process. Although there are likely countless national firms that could conduct a search of this nature there would appear to be three regional firms who commonly perform these searches for Maine Municipalities; Maine Municipal Association (Augusta, ME), Eaton Peabody Consulting Group (Augusta, ME), and Municipal Resources (Meredith, NH).

In my informal discussions with these three organizations, in an attempt to provide the Board with sufficient information, fees for the executive search process range can from \$4,900 to upwards of \$15,000, depending on the requirements or requests of the municipality.

Although Mr. Yandow's retirement date is over seven months away, the executive search process typically takes between three and four months to complete. Based on this, it is requested that the Board commence the discussion on the subject as soon as possible to reduce the likelihood of requiring an interim appointment.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 3, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Application for License for Incorporated Civic Organization: Old York Historical Society	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Approve the State Application for License for Incorporated Civic Organizations for the Old York Historical Society's <i>Hard Cider Tasting Public Educational Program</i> on Friday, February 21, 2014.
PROPOSED MOTION: I move to approve the Application for License for Incorporated Civic Organization for Old York Historical Society's <i>Hard Cider Tasting, Public Educational Program</i> on Friday, February 21, 2014.

Discussion: Please see attached application for details.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By:

Melissa M. Avery

Reviewed By:

Robert S. Gandon

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



**APPLICATION FOR LICENSE FOR
INCORPORATED CIVIC ORGANIZATION**
\$50.00 Fee / \$10.00 Filing Fee
Check Payable: Treasurer State of Maine

1. (a) Full Name of Applicant: Old York Historical Society d/b/a Museums of Old York
(Corporate Name)
- (b) Corporate Address: 207 York Street, P.O. Box 312, York, ME 03909
Street Address City/Town State Zip Code
- (c) Authorized Corporate Office: _____
- (d) Address: _____
Street Address Town/City State Zip Code
- (e) Telephone Number: (207) 363-4974 Fax: (207) 363-4021

INFORMATION PERTAINING TO SPECIAL EVENTS OR GATHERINGS

2. (a) Title and Purpose of Event: Hard Cider Tasting Public Educational Program

- (b) Date of Event: Friday, February 21, 2014 Time – From: 5:30 PM To: 9:00 PM
- (c) **Inside** Outside Event (If **Outside**, attach diagram of area)
- (d) Location of Event: Jefferds Tavern and Parsons Education Center at 3 Lindsay Road, York, ME 03909
- (e) Number of Persons Attending: 40 to 70
- (f) Name and Address of Sponsor: same as applicant
Address: _____ Town/City: _____ State: _____
- (g) Name and Address of Caterer: Museums of Old York will be serving food with assistance of guest chef Jason Miller
Address: PO Box 312 Town/City: York State: ME

(If other than licensee): Museums of Old York will be serving the food and liquor. Liquor to be obtained from Pine State Distributing(Maine Distributor) and/or from Maine Hard Cider Producers

(If food is to be served):

(h) Type of building to be occupied: Museum Visitor Center and adjoining buildings

(i) Area to be licensed: 3 Lindsay Road, York, ME 03909

Dated at: York, Maine on January 23, 2014
Town/City, State Month/Day

NOTE:

This application must be signed by a duly authorized officer of the corporation executing the application and approved by the Municipal Officer/Country Commissioners and filed with the Liquor Licensing & Inspection Division.

Old York Historical Society d/b/a Museums of Old York
NAME OF CORPORATION

BY: _____ Joel Lefever, Executive Director
CORPORATE OFFICER'S SIGNATURE - TITLE PRINTED NAME & TITLE

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

The undersigned being: Municipal Offices County Commissioners of the
 City Town Plantation Unincorporated Place of: York, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

Signature	Print

**72 Hours in Advance of Said Event or Gathering
REQUESTED**

N.B. If said event or gathering is located in an unincorporated place, the application must be approved by the County Commissioners of the County wherein the event or gathering is to take place and the above approval form may be changed in accordance with the fact.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 5, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Special Event Permit: Cycle for Life – Seacoast Safari	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Approve the Special Event Permit application for the Cystic Fibrosis Foundation's <i>Cycle for Life – Seacoast Safari</i> .
PROPOSED MOTION: I move to approve Special Event Permit application for the Cystic Fibrosis Foundation's <i>Cycle for Life – Seacoast Safari</i> event on Saturday and Sunday, July 19 th and 20 th , 2014

Discussion: All appropriate departments have been notified and given approval, see attached.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: _____

Reviewed By: _____



Town of York, Maine Special Event Permit Application

This application for a special event permit is hereby presented to the York Town Manager, 186 York Street, York, ME 03909.

01/30/2014
Date: ~~10/17/2013~~

Name of Event: Cycle For Life: Seacoast Safari

Type of Event: Bicycle Ride

Organization Name: Cystic Fibrosis Foundation

Phone #: (603) 598-8191

Organization Address: 114 Perimeter Road

City: Nashua

State: NH

Zip: 03063

Applicant Name: Chris Vlangas

Phone #: (603) 598-8191

Applicant Address: 114 Perimeter Road

City: Nashua

State: NH

Zip: 03063

Contact Name for Day of Event: Chris Vlangas

Contact Phone #: (603) 486-7562

Date of Event: July 19 & 20, 2014

Day of Week: Saturday & Sunday

Starting Time: 8:00 am

Ending Time: 10:00 am

Assembly Area: N/A

Dispersal Area: N/A

Event Route: Cape Neddick Road

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed): 200

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc):

200 Bicyclists

Describe how group is organized and supervised to insure order: _____

Purpose of the Event: Fundraiser

The above information is true to the best of my knowledge and belief.

Signature of Applicant: _____

Lauren Bedenbaugh

Senior Operations Coordinator

on behalf of Cystic Fibrosis Foundation.

2014 Aptalis CF Cycle For Life - Seacoast Safari Saturday 50 Mile

Miles	Direction	Description	Go	Town
0.00	L	Williams Rd	0.10	Kittery
0.10	R	Whipple Rd/Route 103	0.10	
0.20	R	Stay on Whipple Rd/Route 103	1.10	
1.30	S	Continue onto Pepperell Rd	1.50	
2.80	L	Slight L onto Tenney Hill Rd	0.30	
3.10	S	Continue onto Brave Boat Harbor Rd	4.50	
7.60	R	York St	2.10	York
9.70	S	Continue onto Long Beach Ave	1.40	
11.10	R	Nubble Rd	0.50	
11.60	R	Slight R to stay on Nubble Rd	0.40	
12.00	R	Sohier Park Rd	0.15	
12.15	R	Slight R to stay on Sohier Park Rd Note Nubble Light	0.15	
12.30	R	Nubble Rd	0.40	
12.70	S	Continue onto Broadway St	0.60	
13.30	R	Long Beach Ave/ US-1A N	0.30	
13.60	R	Main St	0.70	
14.30	S	Continue onto Cape Neddick Rd	0.50	
14.80		Rest Stop - York VFW	0.00	
14.80	L	Continue onto Cape Neddick Rd	0.20	
15.00	R	Clark Rd	0.30	
15.30	R	Slight R onto River Rd	0.60	
15.90	L	Shore Rd	4.90	Ogunquit
20.80	R	Main St/US-1N	1.90	
22.70	R	Bourne Ave	0.70	Wells
23.40	L	Ocean Ave	1.20	
24.60	R	Webhannet Dr	1.30	
25.90	L	Mile Rd	0.80	
26.70	R	Post Rd/ US- 1N	2.60	
29.30		Rest Stop - Big Daddy's	0.00	
29.30	S	Post Rd/ US- 1N	0.20	
29.50	R	Laudholm Farm Rd	0.50	
30.00	L	Skinner Mill Rd	0.50	
30.50	R	Post Rd/ ME-9E	2.40	Kennebunk
32.90	R	Kennebunk Beach Rd	0.70	
33.60	S	Continue onto Beach Ave	2.10	
35.70	R	Western Ave/ME-9E	0.30	
36.00	R	Ocean Ave	0.10	Kennebunkport
36.10	R	Stay on Ocean Ave	3.10	
39.20	S	Turbats Creek Rd	0.40	
39.60	R	Stay on Turbats Creek Rd	0.05	
39.65	R	Wildes District Rd	1.05	
40.70	R	Main St/ ME-9E	0.20	
40.90	L	Main St/ ME-9E	8.10	Biddeford
49.00	R	Newtown Rd	0.10	
49.10	L	Hills Beach Rd	0.00	
49.10	R	UNE Road to Tent	0.10	
49.20	S	Finish Line. Check in at Tent to get room assignment	End	
	FINISH	Finish Line - Congratulations! You made it!		

For Town Use Only

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 01-30-2014</u>
Public Works	<u>Lessard 01-31-2014</u>
Parks/Recreation	<u>Sullivan 01-30-2014</u>
Village Fire	<u>Apgar 01-30-2014</u>
York Beach Fire	<u>Bridges 01-30-2014</u>
Code Enforcement	<u>Burns 01-30-2014</u>
York Ambulance	<u>Prince 01-30-2014</u>

Special Conditions:

Police: These are very tight roads. Will need service vehicles at the end to warn folks and emergency numbers for coordinators for issues. Also need to provide the PD with a phone number for each rest station so safety concerns that arise can be passed on and pushed out at each stop. Signs (In compliance and to be removed immediately afterward) at major intersections to help alert the motoring public.

Beach Fire: Need warning devices to inform motorists of cyclists in roadway and communication with the group organizers.

Town Manager

Date

Melissa M. Avery

From: Charles J. Szeniewski
Sent: Thursday, January 30, 2014 11:46 AM
To: Melissa M. Avery; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince
Subject: RE: Special Event Permit: Cycle for Life - Seacoast Safari

Follow Up Flag: Follow up
Flag Status: Flagged

These are some very tight roads even more so in the summer . I would like to know they have service vehicles at the end to warn folks and that we have the coordinators emergency number for issues . To solve them I would request they have a number for each rest station so we can pass on safety concerns that arise during the event and they then push the info out at the rest stops. Posting of info signs at major intersections on the route could help alerting the motoring public but they must be removed immediately afterwards and be in compliance .

From: Melissa M. Avery
Sent: Thursday, January 30, 2014 11:31 AM
To: Melissa M. Avery; Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince
Subject: RE: Special Event Permit: Cycle for Life - Seacoast Safari

Sorry about that, I attached their first draft. Here is the application they just submitted.

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

From: Melissa M. Avery
Sent: Thursday, January 30, 2014 11:30 AM
To: Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince
Subject: Special Event Permit: Cycle for Life - Seacoast Safari

Attached is the second attempt at the Cystic Fibrosis Foundation's Special Event Permit Application for their event, *Cycle for Life - Seacoast Safari* on July 19th and 20th.

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

Melissa M. Avery

From: David Apgar
Sent: Thursday, January 30, 2014 2:47 PM
To: Melissa M. Avery
Subject: RE: Special Event Permit: Cycle for Life - Seacoast Safari

Village Fire approval.

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

From: Melissa M. Avery
Sent: Thursday, January 30, 2014 11:31 AM
To: Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince
Subject: RE: Special Event Permit: Cycle for Life - Seacoast Safari

Sorry about that, I attached their first draft. Here is the application they just submitted.

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

From: Melissa M. Avery
Sent: Thursday, January 30, 2014 11:30 AM
To: Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince
Subject: Special Event Permit: Cycle for Life - Seacoast Safari

Attached is the second attempt at the Cystic Fibrosis Foundation's Special Event Permit Application for their event, *Cycle for Life - Seacoast Safari* on July 19th and 20th.

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
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Melissa M. Avery

From: Michael J. Sullivan
Sent: Thursday, January 30, 2014 11:39 AM
To: Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince
Subject: RE: Special Event Permit: Cycle for Life - Seacoast Safari

Parks and Recreation has no issues with this event.

*Michael J. Sullivan, Director
Parks and Recreation*

*Town of York, Maine
186 York Street
York, Maine 03909
(207) 363-1040
msullivan@yorkmaine.org*

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Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909

Melissa M. Avery

From: Stephen H. Burns
Sent: Thursday, January 30, 2014 12:31 PM
To: Melissa M. Avery
Subject: RE: Special Event Permit: Cycle for Life - Seacoast Safari

Missy,

I have no code issues with this event.

Steve

Stephen H. Burns
Community Development Director

From: Melissa M. Avery
Sent: Thursday, January 30, 2014 11:31 AM
To: Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince
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Melissa M. Avery

From: David K. Bridges
Sent: Thursday, January 30, 2014 12:12 PM
To: Melissa M. Avery
Cc: Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David Apgar; Ellen Prince
Subject: Re: Special Event Permit: Cycle for Life - Seacoast Safari

Follow Up Flag: Follow up
Flag Status: Flagged

I believe this is one of those events that need warning devices to inform the motorists of cyclists in the roadway. I agree fully with Charlie's efforts to make this a safe event by signage and communications by the group organizers and York PD. The upcoming meeting in reference to events like this is needed to continue to make York a safe place to have special events. Dave

Sent from my iPhone. Dave

On Jan 30, 2014, at 11:31 AM, "Melissa M. Avery" <mmavery@yorkmaine.org> wrote:

Sorry about that, I attached their first draft. Here is the application they just submitted.

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
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Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

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Melissa M. Avery

From: Ellen Prince [ellenprince@gmail.com]
Sent: Thursday, January 30, 2014 12:00 PM
To: Melissa M. Avery
Cc: Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar
Subject: Re: Special Event Permit: Cycle for Life - Seacoast Safari

OK with York Ambulance.

Ellen

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Melissa M. Avery

Assistant to the Town Manager

Town of York, Maine

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Melissa M. Avery

From: Dean Lessard
Sent: Friday, January 31, 2014 3:54 PM
To: Melissa M. Avery
Subject: RE: Special Event Permit: Cycle for Life - Seacoast Safari

Hi Missy

I have reviewed the attached special event permit application for Cycle for life. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks
Dean

Dean A. Lessard, P.E. | *Director of Public Works*

Town of York, Maine

186 York Street | York, Maine 03909

Phone: (207) 363-1010, Ext. 6201

Fax: (207) 363-1012

E-Mail: dlessard@yorkmaine.org

Online: www.yorkmaine.org

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Missy

Melissa M. Avery
Assistant to the Town Manager